FINAL

Cypress Point Project
ENVIRONMENTAL IMPACT REPORT

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ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Definition
AB	Assembly Bill
ACOE	Army Corps of Engineers
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
ALUCP	Airport Land Use Compatibility Plan
AMSL	above mean sea level
APE	area of potential effect
APN	Assessor's Parcel Number
AQIA	Air Quality Impact Assessments
ASCE	American Society of Civil Engineers
ASTM	ASTM International
ATCM	Airborne Toxic Control Measure
BERD	Built Environmental Resources Directory
BFSA	Brian F. Smith and Associates, Inc.
BLM	Bureau of Land Management
BMP	Best Management Plan
BTH	brown trunk height
CAAQS	California Ambient Air Quality Standards
CalARP	California Accidental Release Prevention
CalOSHA	California Division of Occupational Safety and Health
CAP	Climate Action Plan
CARB	California Air Resources Control Board
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFC	California Fire Code
CFR	Code of Federal Regulations
CH_4	methane
City	City of Oceanside
CIWM	California Integrated Waste Management
CIWMB	California Integrated Waste Management board
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNEL	community noise equivalent level
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO_2	carbon dioxide
CPC	California Plumbing Code
CPUC	California Public Utilities Commission
CREC	controlled recognized environmental condition

Acronym/Abbreviation	Definition
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CTPs	cone penetration tests
CWA	Clean Water Act
CWPP	Community Wildlife Protection Plan
CY	cubic yards
DBH	diameter at breast height
DEHQ	Department of Environmental Health and Quality
DFU	drainage fixture unit
DPM	Diesel particulate matter
DTSC	Department of Toxic Substances Control
ECAE	Energy and Climate Action Element
EDE	Economic Development Element
EFZ	Earthquake Fault Zone
EIA	Energy Information Administration
EIB	Emission Inventory Branch
EIR	environmental impact report
ELI	extremely low income
EMS	emergency medical service
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
EV	electric vehicle
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FTA	Federal Transit Administration
GHG	greenhouse gas
GSA	Groundwater Sustainability Agency
GWP	global warming potential
H_2S	Hydrogen Sulfide
HAP	Hazardous Air Pollutant
HARP2	Analysis and Reporting Program Version 2
HCD	Housing and Community Development
HCM	Highway Capacity Manual
HFC	hydrofluorocarbon
HMP	hydromodification management plan
HRA	health risk assessment
HREC	historical recognized environmental condition
HVAC	heating, ventilation, and air conditioning
I	Interstate

Acronym/Abbreviation	Definition
IBC	International Building Code
ICC	International Code Council
IPCC	Intergovernmental Panel on Climate Change
ISO	Insurance Service Office
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ITE	Institute of Transportation Engineers
KOP	key observation point
LCP	Local Coastal Program
LED	light-emitting diode
LI	Limited Industrial
LOS	level of service
LRA	Local Responsibility Area
LTA	local transportation assessment
MBTA	Migratory Bird Treaty Act
MCEG	Mean Maximum Considered Earthquake
MDC-R	Medium Density Residential C
MEIR	Maximally Exposed Individual Resident
MHCP	Multiple Habitat Conservation Program
ML1	Monitoring location 1
MLD	most likely descendent
MM	mitigation measure
MOU	Memorandum of Understanding
MPH	Modeled Speeds
MPO	metropolitan planning organization
MRZ	Mineral Resource Zone
MS4	municipal separate storm sewer system
MT	metric ton
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Planning
NCTD	North County Transit District
NF_3	nitrogen trifluoride
NFPA	National Fire Protection Association
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NO_2	nitrogen dioxide
NOP	Notice of Preparation
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O_2	molecular oxygen
O_3	hour ozone

Acronym/Abbreviation	Definition
OCP	organochlorine pesticides
OEHHA	Office of Environmental Health Hazard Assessment
OFD	Oceanside Fire Department
OHP	Office of Historical Preservation
OPR	Office of Planning and Research
OS	Operating System
OSHA	Occupational Safety and Health Administration
OUSD	Oceanside Unified School District
PCB	polychlorinated biphenyls
PFC	perfluorocarbon
PGA	peak ground acceleration
PM_{10}	coarse particulate matter; particulate matter less than or equal to 10 microns in diameter
$PM_{2.5}$	fine particulate matter; particulate matter less than or equal to 2.5 microns in diameter
PMP	Pedestrian Master Plan
POC1	point of compliance
PPV	peak particle velocity
PRC	Public Resources Code
PRIMP	Paleontological Resources Impact Mitigation Program
PRV	pressure reducing valves
PVC	polymer, polyvinyl chloride
RAQS	Regional Air Quality Strategy
RCP	Regional Comprehensive Plan
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental condition
REL	Reference Exposure Levels
RHNA	Regional Housing Needs Assessment
RMD-C	Medium Density Residential C
ROG	Reactive Organic Gases
RPS	Renewable Portfolio Standard
RSL	Regional Screening Level
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel-Efficient
SANDAG	San Diego Association of Governments
SAP	subarea plan
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SCIC	South Coastal Information Center
SCS	Sustainable Communities Strategy
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDCWA	San Diego County Water Authority

Acronym/Abbreviation	Definition
SF_6	sulfur hexafluoride
SFD-R	Single Family Detached Residential
SGMA	Sustainable Groundwater Management Act
SIP	State Implementation Plan
SLCP	short-lived climate pollutant
SLF	Sacred Lands file
SLR	San Luis Rey
SMARA	Surface Mining and Reclamation Act
SO_2	sulfur dioxide
SR	State Route
SRA	State Responsibility Area
SWPPP	stormwater pollution prevention plan
SWQMP	Storm Water Quality Management Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
T-BACT	toxics best available control technology
TCR	tribal cultural resource
TDM	transportation demand management
TMDL	total maximum daily load
U.S.C.	United States Code
USCB	U.S. Census Bureau
USFWS	U.S. Fish and Wildlife Service
UWMP	Urban Water Management Plans
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VMY	Vehicle Miles Traveled
VOC	Volatile Organic Compounds
WCPZ	Wildlife Corridor Planning Zone
WQIP	Water Quality Improvement Plan
YBP	years before the present

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EXECUTIVE SUMMARY

ES.1 INTRODUCTION

This environmental impact report (EIR) has been prepared by the City of Oceanside (City) as lead agency pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Section 15000 et seq.). This EIR has been prepared to evaluate the environmental impacts associated with implementation of the Cypress Point project (proposed project).

This EIR is an informational document intended for use by the City of Oceanside, other public agencies, and members of the public in evaluating the potential environmental effects of the proposed project.

CEQA Statute, Section 21002, states that public agencies should not approve projects that would result in significant effects on the environment if there are feasible mitigation measures or alternatives that can mitigate or avoid these effects. This EIR evaluates the environmental impacts associated with the proposed project and discusses the manner in which the proposed project's significant impacts can be reduced or avoided through mitigation measures or feasible alternatives to the proposed project. In accordance with Section 15130 of the CEQA Guidelines, this EIR also includes an examination of the impacts of cumulative development. Cumulative impacts occur when the combined effects of several projects may be significant when considered collectively.

This summary provides a brief synopsis of: the proposed project, results of the environmental analysis contained within this environmental document, alternatives to the proposed project that were considered, and major areas of controversy and issues to be resolved by decision-makers. This summary does not contain the extensive background and analysis found throughout the individual chapters within the EIR. Therefore, the reader should review the entire document to fully understand the proposed project and its environmental impacts.

ES.2 PROJECT DESCRIPTION AND LOCATION

ES.2.1 Project Location

The proposed project site consists of a vacant parcel (APN 158-301-46) and includes approximately 7.3 acres located in the San Luis Rey Neighborhood Area of the City of Oceanside, California. The proposed project site is located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersections in the northern portion of the City of Oceanside. The property is located adjacent to the San Luis Rey (SLR) River flood channel and SLR trail/bikeway along the top of the flood channel berm, approximately 0.9 mile north of State Route 76 Highway and approximately 0.5 mile southeast of Camp Pendleton within Section 7, Township 11 South, Range 4 West of the USGS San Luis Rey, California Quadrangle. The project site is bordered on the north and west by the San Luis Rey River and on the south and east by existing residential developments.

The project site is zoned RS-Single family residential, corresponding with the General Plan designation of Single Family Detached Residential (SFD-R). Surrounding areas to the project site are zoned open space (to the north and west of the project site), and a variety of residential zones, including RS (Single-Family Residential District), RM-A (Medium Density A District), RM-B (Medium Density B District), and RH (High-Density Residential District) in the adjacent neighborhoods (to the east and south of the project site). Commercial zones are located alongside Highway 76, which is less than a mile south of the project site. Please refer to Figure 2-3, Zoning Designations in Chapter 2, Environmental Setting, of this EIR.

ES.2.2 Project Description

The proposed project includes development of 54 single-family homes on the 7.3-acre project site, ranging in size from approximately 1,200 to 1,700 square feet (sf), located around a private loop road within the project site (Figure 3-1, Tentative Map). Primary access to the project site is proposed to be taken from a westerly extension of Pala Road, at the southern edge of the project site. Secondary emergency only access is proposed via Aspen Street, at the midpoint of the project site on the east side. In the event of an emergency the Aspen Street gate can be accessed by the Fire Department by knox box entry device. Both road entries would lead to the private loop within the project site. All proposed residences would include an entrance driveway, walkway, and front porch located in the front façade closest to the sidewalk and street. Two-car garages would be set further back than the front façade and would allow for two cars in the garage and two cars in the driveway. Additionally, the development would provide 38 more parking spaces for residences and/or guests. The two-story homes would include 3 to 4 bedrooms, living areas on the first floor, bedrooms on the second floor, and private outdoor space provided in the rear yard. Please refer to Chapter 3, Project Description, for a detailed description of the proposed project components.

A portion in the northwest corner of the project site has been left undeveloped as part of the City's Draft Subarea Plan hardline preserve and to accommodate the existing San Luis Rey Trail located on the property. The preserved area is just under 1 acre in size which contains a 6' masonry wall at the development perimeter to protect it from human contact.

The proposed homes in the development would be setback from existing residential homes along the eastern project boundary by approximately 70 – 75 feet from structure to structure with 48 feet separation between property lines, in order to provide privacy and visual relief to the existing homes on Los Arbolitos Boulevard.

The property was sold as surplus land by the City to Concordia Communities, LLC. Under the Surplus Lands Act of California, if a project is developed with 10 or more residences, no fewer than 15% of those residences must be designated as "affordable" as defined by the state. Of the proposed 54 single-family homes, 8 of the units would be affordable/low-income units, and the remaining 46 units would be considered market rate units, which complies with both the Surplus

Lands Act and Density Bonus Law provisions regarding affordable housing. Affordable units would be commensurate to the overall project in unit size and dispersed throughout the project having access to all amenities available to the market rate units. Unit calculations based on both the Surplus Lands Act and density bonus law are described in Chapter 3 and Chapter 4.12 of this EIR.

The approvals required for the project include a Tentative Tract Map, a Development Plan, and a request for Density Bonus with waivers for development standards such as lot size, lot width, setbacks, lot front landscaping requirements, overall height of fences and walls, and a requirement that retaining walls over 4 feet high be plantable. Approvals and requested Density Bonus waivers for development standards are outlined in detail in Chapter 3, Project Description, of this EIR.

ES.2.3 Project Objectives

Section 15124(b) of the CEQA Guidelines requires that an EIR include a statement of the project objectives that "include the underlying purpose of the project and may discuss the project benefits." The following objectives have been identified for the project:

1. Ensure both visual and functional compatibility with other nearby land uses, development, and natural features.
2. Design buildings, spaces, and uses that enhance and respect the character of the surrounding area, create a sense of neighborhood, and complement the vision for the area.
3. Ensure the vision for site development is economically feasible.
4. Implement State density bonus law, the Surplus Lands Act, and the City's General Plan Housing Element by providing housing for a mix of income levels, including at least 15% of the project's base dwelling units for low-income households on the project site.
5. Provide new market rate and affordable housing on a site that is consistent with the City's General Plan, Zoning Ordinance, Density Bonus Law, and affordable housing objectives, and to help satisfy the City's current and future demand for housing.
6. Develop homes on a site that can be served by existing utilities, services, and street access, within close proximity to public transportation and shopping centers.
7. Design a project that compliments and allows for the City's sewer infrastructure projects to continue and run through the development site.

ES.2.4 Discretionary Actions

Consistent with the City's General Plan and Zoning Ordinance, the proposed project requires certain entitlements be submitted, reviewed, and approved by the City. The requested entitlements include a Tentative Map and a Request for Density Bonus. As the project proposes 8 low-income units, Density Bonus Law requires the City to grant an incentive/concession and unlimited waivers.

In order to accommodate the increased density allowed under Density Bonus Law and maintain the single-family lot design and character of the underlying zone, the project cannot physically comply with all of the development standards that apply to standard projects. Based on the proposed design to accommodate Density Bonus units, the project seeks a waiver of the following development standards for a housing development pursuant to Density Bonus law:

- Overall lot size
- Lot width
- Setbacks
- Lot front landscaping requirements
- Fences and walls height and plantable retaining walls

A summary of the development standards and required waivers are outlined in Table 3-4 in Chapter 3 of this EIR, to demonstrate compliance with the RS zone, or where Density Bonus waivers are requested. Development standards for the RS Zone is also described in detail in Chapter 4.10, Land Use, of this EIR.

The City would use this EIR and associated documentation in its decision to approve or deny the required discretionary permits. Other responsible and/or trustee agencies can use this EIR and supporting documentation in their decision-making process to issue additional approvals.

ES.3 AREAS OF CONTROVERSY

Pursuant to Section 15082 of the CEQA Guidelines, the City circulated a Notice of Preparation (NOP) published April 28, 2021, to interested agencies, organizations, and parties. The NOP was also sent to the State Clearinghouse at the California Office of Planning and Research. The State Clearinghouse assigned a state identification number (SCH No. 2021040691) to this EIR.

A public scoping meeting was held on May 4, 2021, at 6:00 p.m. at the QLN Conference Center (1938 Avenida del Oro, Oceanside, California 92056) to gather additional public input. The initial 30-day public scoping period ended on June 1, 2021. Due to the volume of comments and questions received during the public scoping meeting, the City held a second public scoping meeting on June 22, 2021, at 6:00 p.m.at the Oceanside Public Library Mission Branch (3861 Mission Avenue, Oceanside, California 92058). As a result of this second public scoping meeting, the close of the scoping period was extended from June 1, 2021 to July 6, 2021 at 5:00 p.m.

Comments received during the NOP public scoping period were considered as part of the preparation of this EIR. The NOP and written comments are included in Appendix A to this EIR. Comments covered numerous topics, including site access, fire risk and evacuation plans, utility infrastructure and supply, water quality, noise, traffic generation and roadway improvements,

visual impact, emergency access, growth inducement, open space and recreation, and preservation of biological and cultural resources. Public scoping comments regarding the proposed project's potential impact on the environment were evaluated as part of the preparation of this EIR. More specifically, fire risk and evacuation plans are addressed in Chapters 4.13 and 4.18; utility infrastructure and supply are discussed in Chapter 4.17; water quality is discussed in Chapter 4.9; noise is discussed in Chapter 4.11; traffic generation and roadway improvements are discussed in Chapters 4.15; visual impacts are addressed in Chapter 4.1; emergency access is addressed in Chapters 4.13 and 4.18; growth inducement is discussed in Chapter 7; biological resources are addressed in Chapter 4.3; and cultural resources are addressed in Chapters 4.4 and 4.16. Consistent with CEQA's requirements that an alternative must reduce or avoid a potentially significant project impact and an EIR need not consider every conceivable alternative, the NOP comments were also considered in the development and evaluation of the reasonable range of feasible alternatives evaluated in this EIR.

ES.4 EFFECTS NOT FOUND TO BE SIGNIFICANT

The proposed project would result in no impact or less-than-significant impacts to the following: aesthetics, air quality, agriculture and forestry resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, mineral resources, population and housing, public services, recreation, traffic and circulation, utilities and service systems, and wildfire.

ES.5 IMPACTS DETERMINED TO BE SIGNIFICANT

Table ES-1 provides a summary of significant project-related impacts pursuant to the CEQA Guidelines, Section 15123(b)(1). Impacts associated with biological resources, cultural resources, geology and soils, and tribal cultural resources were identified as significant. However, implementation of mitigation measures would reduce impacts to a less-than-significant level for all identified environmental topic areas.

Table ES-1
Summary of Significant Environmental Impacts

Impact	Mitigation Measures		Level of Significance After Mitigation
Biological Resources			
Significant direct impacts to sensitive upland habitat consisting of non-native grassland that supports a limited amount of potential raptor foraging habitat	**MM-BIO-1**	Prior to issuance of a grading permit, the Applicant shall submit documentation to the City demonstrating conservation of 3.5 acres of non-native grassland (0.5:1 mitigation to impact ratio, as provided in the City SAP) within an approved habitat mitigation bank located within the City of Oceanside (or comparable as approved by the City and Wildlife Agencies) for unavoidable project impacts to non-native grassland.	Less than significant
Inadvertent direct impacts to sensitive habitat outside the proposed project footprint	**MM-BIO-2**	Prior to initiation of construction related activities including clearing and grubbing or prior to vegetation/ground disturbance or prior to site mobilization activities or issuance of a grading permit, the Applicant shall submit documentation to the City demonstrating that the Applicant has contracted with a qualified biologist(s) to monitor the project construction activities and avoid any inadvertent impacts to sensitive biological and ensure complete avoidance of adjacent jurisdictional resources. Each qualified biologist shall have demonstrated expertise with the sensitive habitats, special status species of the project region. The qualified biologist(s) shall monitor the installation of the construction temporary fencing and/or flagging, silt fencing, and other best management practices (BMPs) along the construction limits prior to construction activities. The qualified biologist shall be present during the initial vegetation clearing and grubbing activities, and potentially on a less frequent basis during grading activities to ensure construction remains within the approved project development area. The Applicant shall report results of biological monitoring activities to the City on a regular basis through the preparation and submission of summary monitoring reports.	Less than significant
Inadvertent direct impacts to sensitive habitat outside the proposed project footprint	**MM-BIO-3**	Prior to initiating any construction related activities requiring a clearing and grubbing or grading permit, the Applicant shall demonstrate how the project would avoid or minimize applicable inadvertent impacts during construction. To ensure the avoidance and minimization of impacts to biological resources during construction, typical construction BMPs shall be implemented including but not limited to the following: Prior to ground disturbance, all permanent and temporary disturbance areas shall be clearly delineated by orange construction fencing and the identification of environmentally sensitive areas with flagging and/or fencing.	Less than significant
Conflict with the Federal MBTA and CDFG Code Sections 3503 and 3513	**MM-BIO-4**	The proposed project would avoid any direct impacts to migratory birds and/or raptors protected under the federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3513, removal of habitat that supports active nests on the proposed area of disturbance should occur outside of the breeding season for these species. The breeding season is defined as January 15–August 31 for raptor species and February 15–August 15 for other non-raptor birds (excluding listed	Less than significant

Table ES-1
Summary of Significant Environmental Impacts

Impact	Mitigation Measures		Level of Significance After Mitigation
		species). If removal of habitat on the proposed area of disturbance must occur during the breeding season, then prior to initiating any construction related activities requiring a clearing and grubbing or grading permit, the Applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, and the results must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan, as deemed appropriate by the City, shall be prepared and include proposed measures to be implemented to ensure that disturbance of breeding activities are avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's mitigation monitor shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.	
Cultural Resources			
Potentially significant impacts to archaeological resources	**MM-CUL-1**	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 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.	Less than significant
Potentially significant impacts to archaeological resources	**MM-CUL-2**	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 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.	Less than significant

Table ES-1
Summary of Significant Environmental Impacts

Impact	Mitigation Measures		Level of Significance After Mitigation
Potentially significant impacts to archaeological resources	**MM-CUL-3**	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.	Less than significant
Potentially significant impacts to archaeological resources	**MM-CUL-4**	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 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.	Less than significant
Potentially significant impacts to archaeological resources	**MM-CUL-5**	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 included in the Grading Plan Submittals for the Grading Permit.	Less than significant
Potentially significant impacts to archaeological resources	**MM-CUL-6**	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	Less than significant

Table ES-1
Summary of Significant Environmental Impacts

Impact	Mitigation Measures		Level of Significance After Mitigation
		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 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 Luiseño 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 Luiseño Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected.	
Potentially significant impacts to archaeological resources	**MM-CUL-7**	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 Luiseño 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 repatriate to the Most Likely Descendant as determined by the Native American Heritage Commission (NAHC) per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.	Less than significant
Potentially significant impacts to archaeological resources	**MM-CUL-8**	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.	Less than significant

Table ES-1
Summary of Significant Environmental Impacts

Impact	Mitigation Measures		Level of Significance After Mitigation
Potentially significant impacts to human remains	**MM-CUL-9**	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 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 identified 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 Descendant.	Less than significant
Geology and Soils			
Potential impacts to paleontological resources	**MM-GEO-1**	Prior to the issuance of a grading permit, the applicant shall submit a letter to the City of Oceanside (City) from a qualified professional paleontologist or a California Registered Professional Geologist with appropriate paleontological expertise, as defined by the Society of Vertebrate Paleontology's guidelines indicating that they have been retained by the applicant to prepare and implement a Paleontological Resources Impact Mitigation Program (PRIMP). The qualified paleontologist shall be available "on-call" to the City and the applicant throughout the duration of ground-disturbing activities. The PRIMP shall include preconstruction coordination; construction monitoring; emergency discovery procedures; sampling and data recovery, if needed; preparation, identification, and analysis of the significance of fossil specimens salvaged, if any; museum storage of any specimens and data recovered; and reporting. Earth-moving construction activities shall be monitored wherever these activities will disturb previously undisturbed sediment. Monitoring will not need to be conducted in areas where sediments have been previously disturbed or in areas where exposed sediments will be buried but not otherwise disturbed. In such cases, spot-checking of the excavation site is sufficient. This measure shall apply for all excavation activities within old paralic deposits that underlie the project.	Less than significant

Table ES-1
Summary of Significant Environmental Impacts

Impact	Mitigation Measures		Level of Significance After Mitigation
Potential impacts to paleontological resources	**MM-GEO-2**	Prior to the issuance of a grading permit, the City of Oceanside (City) shall confirm the following measure is identified on the grading plan and will be implemented: Grading activities are subject to a Paleontological Resources Impact Mitigation Program (PRIMP). If potential fossils are discovered by construction crews or during monitoring by a qualified paleontologist, all earthwork or other types of ground disturbance within 50 feet of the discovery shall stop immediately until the qualified professional paleontologist can assess the nature and importance of the discovery. If a fossil of scientific value or uniqueness is identified by the paleontologist, the paleontologist shall record the find and allow work to continue or recommend salvage and recovery of the fossil. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and currently accepted scientific practice and shall be subject to review and approval by the City. Work in the affected area may resume once the fossil has been assessed and/or salvaged and the City, in consultation with the professional paleontologist, has provided written approval to resume work.	Less than significant
Tribal Cultural Resources			
Potential impacts to tribal cultural resources, including human remains	**MM-CUL-1 through MM-CUL-9**		Less than significant

ES.6 SIGNIFICANT AND UNAVOIDABLE IMPACTS

As discussed in this EIR, implementation of the proposed project would not result in any significant and unavoidable impacts.

ES.7 ANALYSIS OF ALTERNATIVES

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, EIRs are required to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" (14 CCR 15126.6(a)). This EIR "must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation" (14 CCR 15126.6(a)). The alternatives discussion is required even if these alternatives "would impede to some degree the attainment of the project objectives, or would be more costly" (14 CCR 15126.6(b)). Alternatives considered are summarized below and analyzed in detail in Chapter 8 of this EIR.

ES.7.1 No Project (No Build) Alternative

Under the No Project (No Build) Alternative, the proposed project and associated improvements would not be implemented, and the project site would remain undeveloped. However, this no project/no build alternative does not preclude future development on site, as residential uses would still be allowed under the current land use designation for the site.

ES.7.2 Revised Site Design for Public Pedestrian Access Alternative

Under the Revised Site Design for Public Pedestrian Access Alternative (Revised Site Design Alternative), the site plan would be slightly revised to include public connection from the proposed sidewalk improvements on Aspen Street to a decomposed granite path that winds through a landscaped area along the eastern edge of the project from Pala Road at the south up to a DG access easement driveway on the northeastern corner of the project site. This path would be open to the public, leading up to the north to a 13-acre open space site. All development under the proposed project would remain the same under this alternative.

ES.7.3 Environmentally Superior Alternative

Table ES-2 outlines the comparative impacts between each alternative and the proposed project. The No Project (No Build) Alternative would result in the least environmental impacts in comparison to the project; however, it would not meet any of the project objectives, and there is no certainty that the project site would remain undeveloped in perpetuity. Nevertheless, because the No Project (No Build) Alternative would reduce all potentially significant impacts to biological resources, cultural resources, geology and soils, and tribal cultural resources, it would be the

environmentally superior alternative. However, CEQA Guidelines, Section 15126.6(e)(2), states that if the environmentally superior alternative is the "no project" alternative, the EIR also must identify an environmentally superior alternative among the other alternatives. However, after consideration of the alternatives identified to reduce potential environmental impacts compared to the proposed project, none of the other alternatives identified is environmentally superior to the proposed project as they would result in the same or similar impacts to that of the proposed project. In such a circumstance, it is sufficient that the EIR explain the environmental advantages and disadvantages of each alternative, as is done in Chapter 8 of this EIR.

Table ES-2
Comparative Summary of Alternatives Under Consideration and Proposed Project

Alternative	Impacts			
	Biological Resources	*Cultural Resources*	*Geology and Soils*	*Tribal Cultural Resources*
No Project (No Build)	Less	Less	Less	Less
Revised Site Design	Same	Same	Same	Same

"Less" = reduced impact relative to the project
"Same" = similar impact relative to the project
"More" = greater impact relative to the project

ES.8 ISSUES TO BE RESOLVED BY LEAD AGENCY

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR contain a discussion of issues to be resolved. With respect to the proposed project, the key issues to be resolved include decisions by the City, as lead agency, as to the following:

- Whether this environmental document adequately describes the environmental impacts of the proposed project.
- Whether the recommended mitigation measures should be modified and/or adopted.
- Whether there are other mitigation measures or alternatives that should be considered for the proposed project besides those identified in the Draft EIR.

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CHAPTER 1
INTRODUCTION

This chapter of this environmental impact report (EIR) describes the purpose, scope, and legislative authority of the EIR; the intent of the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.); the environmental review process; and other pertinent environmental rules and regulations.

1.1 PURPOSE OF THE EIR

This EIR addresses the potentially significant adverse environmental effects associated with the proposed Cypress Point Project (project) under CEQA. The project proposes development of 54 single-family homes on approximately 7.3 acres of land located in the northwestern portion of the City of Oceanside (City). The proposed project would require approval of certain discretionary actions by the City and, therefore, is subject to the environmental review requirements of CEQA. A detailed description of the proposed project is provided in Chapter 3**,** Project Description, of this EIR. The City, as the CEQA lead agency, has prepared this EIR to provide decision makers, the public, trustee agencies, and responsible agencies with information about the potential environmental effects associated with the proposed project.

1.2 INTENDED USE OF THE EIR

This EIR was prepared in accordance with CEQA (California Public Resources Code Section 21000 et seq.), CEQA Guidelines (14 CCR 15000 et seq.), and the City's Environmental Review Procedures.

The EIR is an informational document that will provide the City's decision makers, public agencies, responsible and trustee agencies, and members of the public with information about (1) the potential for significant adverse environmental impacts that would result from the development of the proposed project, (2) feasible or potentially feasible ways to minimize any significant adverse environmental impacts that would result from the development of the proposed project, and (3) a reasonable range of potentially feasible alternatives to the proposed project that would reduce or avoid significant adverse environmental impacts associated with the proposed project (California Public Resources Code Section 21002.1[a]; 14 CCR 15121[a]). Responsible and trustee agencies may use this EIR to fulfill their legal authority to issue permits for the proposed project. The analysis and findings in this EIR reflect the independent judgment of the City.

The City is the lead agency for the EIR and will perform the entitlement processing of the proposed project. As the designated lead agency, the City has assumed responsibility for preparing this EIR, and the analysis and findings in this EIR reflect the City's independent judgment. When deciding whether to approve the proposed project, the City will use the information in this EIR to consider potential impacts to the physical environment associated with the proposed project. Subsequent to

certification of the Final EIR, agencies with permitting authority over all or portions of the proposed project will use the Final EIR as the basis for their evaluation of environmental effects related to the proposed project that will culminate with the approval or denial of applicable permits.

1.3 SCOPE OF THE EIR

The City determined that a project EIR, as defined by CEQA Guidelines Section 15161, was required for this project. The City made this determination based on the scope and the location of the proposed project. As such, and in accordance with CEQA Guidelines Section 15060(d), the City opted not to prepare a detailed Initial Study and to instead immediately begin preparation of an EIR for the proposed project.

In the absence of an Initial Study, this Draft EIR evaluates all subject areas listed in Appendix G of the CEQA Guidelines, which include the following: aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy consumption, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise and vibration, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, wildfire, cumulative impacts, and growth-inducing impacts.

As a "project EIR," this EIR is "focused primarily on the changes in the environment that would result from the development project" (14 CCR 15161). In addition, as a project EIR, this EIR examines all phases of the proposed project, including planning, construction, and operation (14 CCR 15161). Where environmental impacts have been determined to be significant, this EIR recommends mitigation measures directed at reducing or avoiding those significant environmental impacts. A reasonable range of alternatives to the proposed project are identified to evaluate whether there are ways to minimize or avoid significant impacts associated with the proposed project.

1.4 THE EIR AND CEQA ENVIRONMENTAL REVIEW PROCESS

1.4.1 CEQA Overview

CEQA requires the preparation and certification of an EIR for any project that a lead agency determines may have a significant adverse effect on the environment. The following is stated in CEQA Guidelines, Section 15151 (14 CCR 15151):

> An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among

> experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Accordingly, this EIR has been prepared to identify and disclose the significant environmental effects of the proposed project, identify mitigation measures to minimize significant effects, and consider reasonable project alternatives. The environmental impact analyses in this EIR are based on a variety of sources, including agency consultation, technical studies, and field surveys. The City will consider the information presented in this EIR, along with other factors in considering approval of the proposed project.

1.4.2 Notice of Preparation and Scoping

CEQA establishes mechanisms to inform the public and decision makers about the nature of the proposed project and the extent and types of impacts that the proposed project and alternatives to the proposed project would have on the environment should the proposed project or alternatives be implemented. Pursuant to Section 15082 of the CEQA Guidelines, the City circulated a Notice of Preparation (NOP) published April 28, 2021, to interested agencies, organizations, and parties. The NOP was also sent to the State Clearinghouse at the California Office of Planning and Research. The State Clearinghouse assigned a state identification number (SCH No. 2021040691) to this project.

The NOP is intended to encourage interagency communication regarding the proposed action so that agencies, organizations, and individuals are afforded an opportunity to respond with specific comments and/or questions regarding the scope and content of the EIR. A public scoping meeting was held on May 4, 2021, at 6:00 p.m. at the QLN Conference Center (1938 Avenida del Oro, Oceanside, California 92056) to gather additional public input. The initial 30-day public scoping period ended on June 1, 2021.

Due to the volume of comments and questions received during the public scoping meeting, the City held a second public scoping meeting on June 22, 2021, at 6:00 p.m.at the Oceanside Public Library Mission Branch (3861 Mission Avenue, Oceanside, California 92058). As a result of this second public scoping meeting, the close of the scoping period was extended from June 1, 2021 to July 6, 2021 at 5:00 p.m. As a result, the NOP was made available to members of the public, responsible agencies, and interested parties for an extended 70-day public review period between April 28 and July 6, 2021.

Comments received during the NOP public scoping period were considered as part of the preparation of this EIR. The NOP and written comments are included in Appendix A to this EIR. Comments covered numerous topics, including site access, fire risk and evacuation plans, utility infrastructure and supply, water quality, noise, traffic generation and roadway improvements,

visual impact, emergency access, growth inducement, open space and recreation, and preservation of biological and cultural resources. Public scoping comments regarding the proposed project's potential impact on the environment were evaluated as part of the preparation of this EIR. More specifically, fire risk and evacuation plans are addressed in Chapters 4.13 and 4.18; utility infrastructure and supply are discussed in Chapter 4.17; water quality is discussed in Chapter 4.9; noise is discussed in Chapter 4.11; traffic generation and roadway improvements are discussed in Chapters 4.15; visual impacts are addressed in Chapter 4.1; emergency access is addressed in Chapters 4.13 and 4.18; growth inducement is discussed in Chapter 7; biological resources are addressed in Chapter 4.3; and cultural resources are addressed in Chapters 4.4 and 4.16. Consistent with CEQA's requirements that an alternative must reduce or avoid a potentially significant project impact and an EIR need not consider every conceivable alternative, the NOP comments were also considered in the development and evaluation of the reasonable range of feasible alternatives evaluated in this EIR.

1.4.3 Draft EIR and Public Review

This Draft EIR was prepared under the direction and supervision of the City. Public review of the Draft EIR is intended to focus "on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated" (14 CCR 15204). The Notice of Completion of the Draft EIR will be filed with the State Clearinghouse as required by CEQA Guidelines Section 15085. In addition, the Notice of Availability of the Draft EIR will be distributed pursuant to CEQA Guidelines Section 15087. Interested parties could provide comments on the Draft EIR in written form. This EIR and related technical appendices are available for review during the 45-day public review period at the following locations:

City of Oceanside Development Services Department
300 North Coast Highway
Oceanside, California 92054

City of Oceanside Public Library – Civic Center
330 North Coast Highway
Oceanside, California 92054

City of Oceanside Public Library – Mission Branch
3861-B Mission Avenue
Oceanside, California 92508

City of Oceanside website: https://www.ci.oceanside.ca.us/gov/dev/planning/ceqa/default.asp

Interested agencies and members of the public could submit written comments on the adequacy of the Draft EIR to the City's Development Services Department at the address above, addressed to Richard Greenbauer, Principal Planner, or emailed at rgreenbauer@oceansideca.org. Comments on the Draft EIR are to be received by 4:00pm on Friday November 19, 2021, the last day of the review period.

1.4.4 Final EIR Publication and Certification

Once the 45-day public review period concluded, the City reviewed all public comments on the Draft EIR and provided a written response to all written comments pertaining to environmental issues as part of the Final EIR. The Final EIR includes all written comments received during the public review period; responses to comments; and edits made to the Draft EIR.

The Draft Environmental Impact Report (EIR) was circulated for public review from October 6, 2021, through November 19, 2021 in accordance with Section 15105(a) of the California Environmental Quality Act (CEQA) Guidelines. A total of 6 written comment letters were received on the Draft EIR from agencies, organizations, and individuals as shown in Table 1-1. Appendix Q has been included as part of the Final EIR, which includes both "Volume I: Comment Letters" and "Volume II: Comment Letter Responses." Each of these volumes has a table of contents in order to direct the reader to the appropriate comment and/or response. Each of the written comment letters have been assigned an alphanumeric label, and the individual comments within each written comment letter are bracketed and numbered. For example, Comment Letter A1 contains twelve (12) comments that is numbered A1-1 through A1-12.

The responses to each comment on the Draft EIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the CEQA Guidelines, the City, as lead agency, is not required to respond to all comments on the Draft EIR, but only those comments that raise environmental issues. In accordance with CEQA Guidelines 15088 and 15204, the City has independently evaluated the comments and prepared the attached written responses describing the disposition of any significant environmental issues raised (see Appendix Q to the Final EIR). CEQA does not require the City to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

Rather, CEQA requires the lead agency to provide a good faith, reasoned analysis supported by factual information. To fulfill these requirements, the City's experts in planning and environmental sciences consulted with, and independently reviewed, the analysis responding to the Draft EIR comments prepared by Dudek, Merkel & Associates, Inc., and other experts, each of whom has years of educational and field experience in these categories of environmental sciences; is familiar with the project and the environmental conditions in the City; and is familiar with the federal, state, and local rules and regulations (including CEQA) applicable to the proposed project. Accordingly, the final analysis provided in the responses to comments are supported by substantial evidence.

Table 1-1
Comment Letters and Commenters

Comment Letter	Commenter
Agencies	
A1	U.S. Fish and Wildlife Service (USFW); David Zoutendyk
A2	California Department of Fish and Wildlife (CDFW); David A. Mayer
A3	City of Oceanside Public Works Department; Philip Wragg
Organizations	
O1	Buena Vista Audubon Society (BVAS); Joan Herskowitz
O2	Preserve Calavera; Diane Nygaard
O3	San Diego County Archaeological Society, Inc. (SDCAS); James W. Royle, Jr.
Individuals	
I1	Marc Puckett

Changes have been made to the EIR in ~~strikeout~~/underline format in response to comments and to provide updates and clarifications to information provided herein. Consistent with CEQA Guidelines Section 15088.5(b), these revisions have been made to clarify text for consistency or revise punctuation as appropriate throughout the document, and these revisions do not result in what constitutes new significant information that would require recirculation of the document. Table 1-2 summarizes changes made to the Draft EIR by EIR Chapter and Section, and shows original text included and proposed changes to the text.

Table 1-2
Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
Introduction		
Section 1.4.4, Pages 1-5 and 1-6	Once the 45-day public review period concludes, the City will review all public comments on the Draft EIR and provided a written response to all written comments pertaining to environmental issues as part of the Final EIR. The Final EIR will include all written comments received during the public review period; responses to comments; and, edits made to the Draft EIR.	Once the 45-day public review period conclude~~s~~d, the City ~~will~~reviewed all public comments on the Draft EIR and provided a written response to all written comments pertaining to environmental issues as part of the Final EIR. The Final EIR ~~will~~includes all written comments received during the public review period; responses to comments; and, edits made to the Draft EIR. The Draft Environmental Impact Report (EIR) was circulated for public review from October 6, 2021, through November 19, 2021 in accordance with Section 15105(a) of the California Environmental Quality Act (CEQA) Guidelines. A total of 6 written comment letters were received on the Draft EIR from agencies, organizations, and individuals as shown in Table 1-1. Appendix Q has been included as part of the Final EIR, which includes both "Volume I:

Table 1-2
Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
		Comment Letters" and "Volume II: Comment Letter Responses." Each of these volumes has a table of contents in order to direct the reader to the appropriate comment and/or response. Each of the written comment letters have been assigned an alphanumeric label, and the individual comments within each written comment letter are bracketed and numbered. For example, Comment Letter A1 contains twelve (12) comments that is numbered A1-1 through A1-12. The responses to each comment on the Draft EIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the CEQA Guidelines, the City, as lead agency, is not required to respond to all comments on the Draft EIR, but only those comments that raise environmental issues. In accordance with CEQA Guidelines 15088 and 15204, the City has independently evaluated the comments and prepared the attached written responses describing the disposition of any significant environmental issues raised (see Appendix Q to the Final EIR). CEQA does not require the City to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. Rather, CEQA requires the lead agency to provide a good faith, reasoned analysis supported by factual information. To fulfill these requirements, the City's experts in planning and environmental sciences consulted with, and independently reviewed, the analysis responding to the Draft EIR comments prepared by Dudek and other experts, each of whom has years of educational and field experience in these categories of environmental sciences; is familiar with the project and the environmental conditions in the City; and is familiar with the federal, state, and local rules and regulations (including CEQA) applicable to the proposed project. Accordingly, the final analysis provided in the responses to comments are supported by substantial evidence. (see Table 1-1 included)

Table 1-2
Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
		Changes have been made to the EIR in strikeout/underline format in response to comments and to provide updates and clarifications to information provided herein. Consistent with CEQA Guidelines Section 15088.5(b), these revisions have been made to clarify text for consistency or revise punctuation as appropriate throughout the document, and these revisions do not result in what constitutes new significant information that would require recirculation of the document. Table 1-2 summarizes changes made to the Draft EIR by EIR Chapter and Section, and shows original text included and proposed changes to the text. (see Table 1-2 included)
Project Description		
Section 3.2.5.5, Pages 3-10 and 3-11		**3.2.5.5 Biological Considerations** The project includes the following project design features, also outlined in Chapter 4.3, Biological Resources, of this EIR: • Placement of 6-foot-high masonry walls at the top of slope along the project perimeter in the northwest corner to minimize potential lighting and noise impacts and avoid human access to the SLR River buffer; • Planting, maintenance, and monitoring of several western sycamore trees along the northern and western project property boundaries (outside and setback from the existing SLR River levee and sewer mains in proximity) to minimize potential lighting and noise impacts; placement of 6-foot-high fencing along remainder of proposed project northern and western boundaries to avoid or minimize human access to the SLR River buffer; • No streetlights are required throughout the interior project streets and therefore none are proposed (one exception along Pala Road where one streetlight is proposed for safety reasons); • Proposed lighting on homes would be directed downward and shielded to avoid light spill into the adjacent Preserve/WCPZ. Further, proposed lighting on homes would use the lowest intensity lighting appropriate for the task

Table 1-2
Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
		and use lights with little to no blue wavelengths and warmer color temperatures (e.g., low-pressure sodium lights) where feasible. • The project Concept Landscape Plan (Figure 3-2) includes a proposed plant palette that does not include invasive non-native plant species on the California Exotic Pest Plant Council List of Exotic Pest Plants of Greatest Ecological Concern in California and the Subarea Plan that could spread into the adjacent Preserve. Due to the project size and proximity to the Preserve (within 500 feet), all proposed project landscaping consists of native plant species appropriate for the project area and consistent with Subarea Plan. Further, the Landscape Plan includes an irrigation plan that demonstrates how the proposed project irrigation shall be contained to the project development and shall not drain or overspray resulting in potential spread of invasive plant species, erosion, and/or non-native species such as Argentine ants.
Biological Resources		
Section 4.3.4, Table 4.3-3, Pages 4.3-14 and 4.3-15	(Please refer to Table 4.3-3 in Chapter 4.3, Biological Resources, of the Final EIR)	(Please refer to Table 4.3-3 in Chapter 4.3, Biological Resources, of the Final EIR. Additional sub-columns "Inside WCPZ", "Outside WCPZ", and "Grand Total" have been included under the "Total" column for clarification and in response to comments received.) The following table note has also been included: [2] Impacts inside WCPZ to non-native grassland (0.7 acre) is entirely on site; impacts to disturbed habitat inside WCPZ consists of 0.2 acre on site and 0.1-acre off-site stormwater outfall work
Section 4.3.4, Page 4.3-18	• The project Concept Landscape Plan prepared by McCullough dated March 23, 2021 (Figure 3-2) includes a proposed plant palette that does not include invasive non-native plant species on the California Exotic Pest Plant Council List of Exotic Pest Plants of Greatest Ecological Concern in California and the Subarea Plan that could spread into the adjacent Preserve. Due to the project size and proximity to the Preserve (within 500 feet), all proposed	• The project Concept Landscape Plan ~~prepared by McCullough dated March 23, 2021~~ (Figure 3-2) includes a proposed plant palette that does not include invasive non-native plant species on the California Exotic Pest Plant Council List of Exotic Pest Plants of Greatest Ecological Concern in California and the Subarea Plan that could spread into the adjacent Preserve. Due to the project size and proximity to the Preserve (within 500 feet), all proposed project landscaping consists of native plant species

Table 1-2
Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
	project landscaping consists of native plant species appropriate for the project area and consistent with Subarea Plan. Further, the Landscape Plan includes an irrigation plan that demonstrates how the proposed project irrigation shall be contained to the project development and shall not drain or overspray resulting in potential spread of invasive plant species, erosion, and/or non-native species such as Argentine ants.	appropriate for the project area and consistent with Subarea Plan. Further, the Landscape Plan includes an irrigation plan that demonstrates how the proposed project irrigation shall be contained to the project development and shall not drain or overspray resulting in potential spread of invasive plant species, erosion, and/or non-native species such as Argentine ants.
Section 4.3.4, Page 4.3-21	General Plan Policy 3.11C requires the preservation of biological resources or, where vegetation and habitat modification is inevitable, appropriate mitigation for potential impacts. As described in Appendix C and in this section, the proposed project would have potentially significant impacts to sensitive biological resources (nesting birds, raptor foraging, non-native grassland and sensitive habitat outside the project boundary). Appropriate mitigation measures in compliance with the Oceanside Subarea Plan and in compliance applicable federal, state, and local codes are required and incorporated into this EIR. With implementation of MM-BIO-1through MM-BIO-4 outlined in Section 4.3.5 below, the project would be in compliance with General Plan Policy 3.11C.	General Plan Policy 3.11C requires the preservation of biological resources or, where vegetation and habitat modification is inevitable, appropriate mitigation for potential impacts. As described in Appendix C and in this section, the proposed project would have potentially significant impacts to sensitive biological resources (nesting birds, raptor foraging, non-native grassland and sensitive habitat outside the project boundary). Appropriate mitigation measures ~~in compliance~~are consistent with the Draft Oceanside Subarea Plan and in compliance applicable federal, state, and local codes are required and incorporated into this EIR. With implementation of MM-BIO-1through MM-BIO-4 outlined in Section 4.3.5 below, the project would be in compliance with General Plan Policy 3.11C.
Section 4.3.4, Pages 4.3-22 and 4.3-23	The proposed project was assessed to ensure consistency with the City of Oceanside MHCP Draft SAP by reviewing the applicable SAP standards against the proposed project. The proposed project is located adjacent to the City's SAP Hardline Preserve and WCPZ that includes the SLR River corridor that supports a variety of native wildlife including listed bird species; the project site does not support narrow endemic species or wetlands but is located adjacent to wetland habitat.	The proposed project was assessed to ensure consistency with the City of Oceanside MHCP Draft SAP by reviewing the applicable SAP standards against the proposed project. The proposed project is located predominately adjacent to and partially within the City's Draft SAP Hardline Preserve and WCPZ that includes the SLR River corridor that supports a variety of native wildlife including listed bird species; the project site does not support narrow endemic species or wetlands but is located adjacent to wetland habitat. The proposed project includes implementation of the project Concordia Homes-Cypress Point Project–San Luis Rey River Buffer Habitat Enhancement Proposal, dated April 5, 2021 (Appendix C-2, Enhancement Proposal). The intent of the Enhancement Proposal is to propose an equal or superior Preserve/WCPZ option in exchange for the proposed 0.9-acre encroachment into the on-site portion of Preserve/WCPZ boundary that is drafted in the City's Draft SAP in the northwestern corner of the project property. The

Table 1-2
Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
		Enhancement Proposal dated April 5, 2021 includes the requirement to prepare a project low-intensity coastal sage scrub enhancement plan (Enhancement Plan) prepared by a qualified restoration biologist that is consistent with the guidelines in the MHCP Section 6 as well as the City's Draft Subarea Plan Section 5.3.1 WCPZ and Section 7.2.3 Habitat Restoration, or as approved by the City and Wildlife Agencies. Further, as outlined in the Enhancement Proposal, the Enhancement Plan would need to provide a detailed plan for the proposed 3.5 acres of low-intensity coastal sage scrub enhancement on adjacent City owned parcels that are located within the Preserve/WCPZ and/or City owned open space. The 0.9 acre of low-intensity CSS enhancement necessary to account for the 0.9 acre of encroachment (1:1 exchange ratio) is included in the 3.5 acres of proposed habitat enhancement.
Section 4.3.4, Page 4.3-23	The proposed project would be consistent with this standard through the avoidance of a portion of the northwestern corner of the project property to include the required 100-foot riparian habitat buffer as well as the proposed encroachment and habitat enhancement of the Preserve/WCPZ (Figure 4.3-4).	The proposed project would be consistent with this standard through the avoidance of a portion of the northwestern corner of the project property to include the required 100-foot riparian habitat buffer as well as the proposed encroachment and habitat enhancement of the Preserve/WCPZ (Appendix C-2, Enhancement Proposal) (Figure 4.3-4).
Section 4.3.4, Page 4.3-24	The proposed project is located predominately adjacent to the WCPZ and primarily avoids the WCPZ, except in the northwestern portion of the project property where the project WCPZ encroachment is proposed. Within this area, the project would impact disturbed habitat and non-native grassland that is currently heavily used by humans and domestic pets and does not support any special status species. The proposed project would maintain connectivity to the adjacent SLR regional corridor/Preserve as well as the remaining WCPZ.	The proposed project is located predominately adjacent to the WCPZ and primarily avoids the WCPZ, except in the northwestern portion of the project property where the project WCPZ encroachment is proposed (Appendix C-2, Enhancement Proposal). Within this area, the project would impact disturbed habitat and non-native grassland that is currently heavily used by humans and domestic pets and does not support any special status species. The proposed project would maintain connectivity to the adjacent SLR regional corridor/Preserve as well as the remaining WCPZ.
Section 4.3.4, Page 4.3-24	The MHCP was designed to compensate for the loss of biological resources throughout the program's region; therefore, projects that conform to the MHCP as specified by the City of Oceanside SAP and implementing ordinances would not result in cumulatively considerable impacts for those biological resources adequately covered. Although the proposed project would result in impacts to 3.5 acres of non-native grassland, project implementation of proposed mitigation measures MM-BIO-1 through MM-BIO-4 outlined in Section	The MHCP was designed to compensate for the loss of biological resources throughout the program's region; therefore, projects that conform to the MHCP as specified by the City of Oceanside SAP and implementing ordinances would not result in cumulatively considerable impacts for those biological resources adequately covered. Although the proposed project would result in impacts to ~~3.5~~ 7.0 acres of non-native grassland, project implementation of proposed mitigation measures MM-BIO-1 through MM-BIO-4 outlined in Section

Table 1-2
Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
	4.3.5 below would ensure project and cumulative impacts would be reduced, and conflict with the City's MHCP SAP would not occur.	4.3.5 below would ensure project and cumulative impacts would be reduced, and conflict with the City's MHCP SAP would not occur.
Traffic and Circulation		
Section 4.15, Page 4.15-1	This section describes the existing traffic/circulation setting of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Cypress Point project (proposed project) in the City of Oceanside (City). The following analysis is based on the Local Transportation Analysis that was prepared for the proposed project by Linscott, Law and Greenspan Engineers in August 2021. The Local Transportation Analysis is included as Appendix N to this EIR.	This section describes the existing traffic/circulation setting of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Cypress Point project (proposed project) in the City of Oceanside (City). The following analysis is based on the Local Transportation Analysis (Appendix N to this EIR) that was prepared for the proposed project by Linscott, Law and Greenspan Engineers in October~~August~~ 2021. ~~The Local Transportation Analysis is included as Appendix N to this EIR.~~ A Supplemental Transportation Assessment of Fireside Street was also prepared by Linscott, Law and Greenspan Engineers on December 1, 2021 to support the findings in the Local Transportation Analysis and in support of response to comments received on the Draft EIR. This supplemental assessment is included as Appendix N-2 to the Final EIR.
Other CEQA Considerations		
Section 7.3, Page 7-3	CEQA Guidelines Section 15126.2(b) requires that an EIR describe any significant impacts that cannot be avoided, including those impacts that can be mitigated but not reduced to a less-than-significant level. Chapter 5, Effects Found Not To Be Significant, analyzes and discusses the CEQA topic areas where the project will not have a significant impact. Chapter 4, Environmental Analysis, of this EIR describes the potential environmental impacts of the proposed project, and recommends mitigation measures to reduce impacts, where feasible. As discussed in this EIR, implementation of the proposed project would result in potentially significant impacts to biological resources, cultural resources, geology and soils, noise, transportation, and tribal cultural resources before mitigation. All of these impacts would be reduced to below a level of significance through mitigation. Implementation of the proposed project would not result in any significant and unavoidable impacts.	CEQA Guidelines Section 15126.2(b) requires that an EIR describe any significant impacts that cannot be avoided, including those impacts that can be mitigated but not reduced to a less-than-significant level. Chapter 5, Effects Found Not To Be Significant, analyzes and discusses the CEQA topic areas where the project will not have a significant impact. Chapter 4, Environmental Analysis, of this EIR describes the potential environmental impacts of the proposed project, and recommends mitigation measures to reduce impacts, where feasible. As discussed in this EIR, implementation of the proposed project would result in potentially significant impacts to biological resources, cultural resources, geology and soils, ~~noise, transportation,~~ and tribal cultural resources before mitigation. All of these impacts would be reduced to below a level of significance through mitigation. Implementation of the proposed project would not result in any significant and unavoidable impacts.

Table 1-2
Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
	Alternatives	
Section 8.3, Page 8-4	This EIR considered two additional alternatives that are not carried forward for detailed analysis. These alternatives are described below.	This EIR considered ~~two~~three additional alternatives that are not carried forward for detailed analysis. These alternatives are described below.
	Appendices	
Appendix C		Revised December 23, 2021
Appendix C	(WCPZ) as well as to accommodate the existing SLR River flood control berm, trail and concrete brow ditch along the toe of the flood control berm that is also located on the property. The project also proposes habitat enhancement activities within the on-site and off-site SLR River buffer to address a slight encroachment into the Preserve/WCPZ in the northwest corner of the site, as discussedfurther in this report.	(WCPZ) as well as to accommodate the existing SLR River flood control berm, trail and concrete brow ditch along the toe of the flood control berm that is also located on the property. The project also proposes habitat enhancement activities within the on-site and off-site SLR River buffer to address a slight encroachment into the Preserve/WCPZ in the northwest corner of the site, as discussed further in this report and included as Appendix 5.
Appendix C	(Please refer to Table 3, Habitat/Vegetation Community Project Direct Impacts and Proposed Mitigation)	(Please refer to Table 3 Habitat/Vegetation Community Project Direct Impacts and Proposed Mitigation, of the revised Biological Resource Letter Report dated December 23, 2021. Additional sub-columns "Inside WCPZ", "Outside WCPZ", and "Grand Total" have been included under the "Total" column for clarification and in response to comments received.) The following table note has also been included: [2] Impacts inside WCPZ to non-native grassland (0.7 acre) is entirely on site; impacts to disturbed habitat inside WCPZ consists of 0.2 acre on site and 0.1-acre off site stormwater outfall work
Appendix C	**City of Oceanside MHCP Subarea Plan Consistency** The proposed project was assessed to ensure consistency with the City of Oceanside MHCP Draft SAP by reviewing the applicable SAP standards against the proposed project. The proposed project is located adjacent to the City's SAP Hardline Preserve and WCPZ that includes the SLR River corridor that supports a variety of native wildlife including listed bird species; the project site does not support narrow endemic species or wetlands but is located adjacent to wetland habitat. Therefore, the following SAP Standards are applicable to the project.	**City of Oceanside MHCP Subarea Plan Consistency** The proposed project was assessed to ensure consistency with the City of Oceanside MHCP Draft SAP by reviewing the applicable SAP standards against the proposed project. The proposed project is located adjacent to the City's SAP Hardline Preserve and WCPZ that includes the SLR River corridor that supports a variety of native wildlife including listed bird species; the project site does not support narrow endemic species or wetlands but is located adjacent to wetland habitat. Therefore, the following SAP Standards are applicable to the project. In addition, the proposed project includes implementation of the project Concordia Homes-Cypress Point Project–San Luis Rey River Buffer

Table 1-2
Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
		Habitat Enhancement Proposal, dated April 5, 2021 (Appendix 5). The intent of the Enhancement Proposal is to propose an equal or superior Preserve/WCPZ option in exchange for the proposed 0.9-acre encroachment into the on-site portion of Preserve/WCPZ boundary that is drafted in the City's Draft SAP in the northwestern corner of the project property. The Enhancement Proposal dated April 5, 2021 includes the requirement to prepare a project low-intensity coastal sage scrub enhancement plan (Enhancement Plan) prepared by a qualified restoration biologist that is consistent with the guidelines in the MHCP Section 6 as well as the City's Draft Subarea Plan Section 5.3.1 WCPZ and Section 7.2.3 Habitat Restoration, or as approved by the City and Wildlife Agencies. Further, as outlined in the Enhancement Proposal, the Enhancement Plan would need to provide a detailed plan for the proposed 3.5 acres of low-intensity coastal sage scrub enhancement on adjacent City owned parcels that are located within the Preserve/WCPZ and/or City owned open space. The 0.9 acre of low-intensity CSS enhancement necessary to account for the 0.9 acre of encroachment (1:1 exchange ratio) is included in the 3.5 acres of proposed habitat enhancement.
Appendix C-2		(The "Proposed CSS Habitat Enhancement plan" included as Appendix 5 to Appendix C, Biological Impact Report, of the EIR is now included as "Appendix C-2" to the Final EIR for ease of reference.)
Appendix N	Local Transportation Assessment prepared March 12, 2021	Local Transportation Assessment prepared October 2021
Appendix N-2		(Appendix N-2, Supplemental Transportation Assessment of Fireside Street, is now included as part of the Final EIR. This supplemental assessment supports existing findings and does not result in any substantial new information nor change any impact determinations of the Draft EIR.

The City will consider certification of the Final EIR (14 CCR 15090). If the Final EIR is certified, the City may consider the project approval (14 CCR 15092). When deciding whether to approve the proposed project, the City will use the information provided in the Final EIR to consider potential impacts to the physical environment. The City will also consider all written comments received on the Draft EIR during the public review period in making its decision to certify the

Final EIR as complete and compliant with CEQA and in making its determination whether to approve or deny the proposed project. Environmental considerations, as well as economic and social factors, will be weighed by the City to determine the most appropriate course of action.

Prior to approving the proposed project, the City must make written findings and adopt a Statement of Overriding Considerations with respect to any significant and unavoidable environmental effect identified in the Draft EIR (14 CCR 15091, 15093). If the proposed project is approved, the City will file a Notice of Determination with the State Clearinghouse and San Diego County Clerk within five working days after project approval (14 CCR 15094.)

Subsequent to certification of the Final EIR, agencies with permitting authority over all or portions of the proposed project will use the Final EIR's evaluation of the proposed project's environmental effects in considering whether to approve or deny applicable permits.

1.4.5 Mitigation Monitoring and Reporting Program

CEQA requires that a lead agency "adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (14 CCR 15097, 15091). The City, as the designated lead agency, is responsible for enforcing and verifying that each mitigation measure is implemented as required by the Mitigation Monitoring and Reporting Program.

1.5 ORGANIZATION AND CONTENT OF THE EIR

This EIR is organized as follows:

- **Executive Summary.** This chapter outlines the proposed project and conclusions of the environmental analysis, and provides a summary of the proposed project compared to the alternatives analyzed in the EIR. This chapter also summarizes feasible mitigation measures proposed to reduce or avoid each significant project impact.
- **Chapter 1, Introduction.** This chapter briefly discusses the purposes of the EIR, the applicable environmental review process and procedures, and format and organization of the EIR.
- **Chapter 2, Environmental Setting**. This chapter describes the project location, physical environmental setting, and regulatory setting.
- **Chapter 3, Project Description**. This chapter provides a thorough description of the proposed project, including its location, characteristics, project objectives, and required discretionary actions.
- **Chapter 4, Environmental Impact Analysis.** This chapter discusses the regulatory and environmental setting, and provides an analysis of project's impacts, proposed mitigation

measures to reduce or avoid any significant impacts, and conclusions regarding the level of significance after mitigation for each environmental impact issue.

- **Chapter 5, Effects Found Not To Be Significant.** This chapter discusses the reasons in which various possible significant effects of a proposed project were determined not to be significant and were therefore not discussed in detail in the EIR.
- **Chapter 6, Cumulative Effects.** This chapter describes the potential cumulative effects of the project, including those effects described in both Chapter 4 and Chapter 5. Cumulative impact refers to two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts.
- **Chapter 7, Other CEQA Considerations.** This chapter addresses the proposed project's potential growth-inducing impacts, which could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. This chapter addresses impacts that have been identified as significant and unavoidable, and provides an analysis of the significant irreversible changes in the environment that would result from the proposed project.
- **Chapter 8, Alternatives.** This chapter analyzes a reasonable range of potentially feasible alternatives to the proposed project that have the potential to reduce or avoid significant impacts associated with the proposed project.
- **Chapter 9, List of Preparers**. This chapter provides a list of persons, organizations, and agencies that contributed to the preparation of this EIR.
- **Chapter 10, References**. This chapter lists the references and sources cited in each section of the EIR.
- **Appendices.** The appendices include various technical studies and correspondence prepared for the proposed project, as listed in the table of contents.

CHAPTER 2
ENVIRONMENTAL SETTING

As required by Section 15125 of the California Environmental Quality Act (CEQA) Guidelines, this chapter of the environmental impact report (EIR) includes a brief description of the existing physical conditions at the proposed Cypress Point Project (project) site and the surrounding vicinity at the time of filing of the Notice of Preparation. Although in some cases current data were not available to represent conditions at the time of filing the Notice of Preparation, the most recent data available are described in this chapter and serve as the CEQA baseline for this EIR. This chapter also provides an overview of the regulatory setting on the project site pursuant to Section 15125(d) of the CEQA Guidelines. Additional details and descriptions of the existing conditions specific to each environmental issue can be found throughout Chapter 4, Environmental Analysis. The environmental conditions discussed in this chapter and throughout the EIR constitute the baseline conditions by which significances of impacts will be determined.

2.1 PROJECT SETTING

2.1.1 Project Location

The 7.3-acre project site is a vacant, undeveloped parcel, located in the north central portion of the City of Oceanside (City), which is within the northwestern portion of San Diego County (Figure 2-1, Project Location). State Route 76 is approximately 1 mile to the south of the project site. The site is located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersections. The site is bordered on the north and west by the San Luis Rey River, and by existing residential developments on the south and east. A portion in the northwest corner of the site has been left undeveloped as a part of the City of Oceanside's Draft Subarea Plan hardline preserve and to accommodate the existing San Luis Rey Trail located on the property.

The project site is located on the U.S. Geological Service 7.5-minute San Luis Rey quadrangle map in Section 7, Township 11 South, Range 4 West. The project site is identified as Assessor's Parcel Number (APN) 158-301-46-00.

2.1.2 Site Background

The project site (APN 158-301-46-00) is a vacant parcel of approximately 7.3 acres recently purchased from the City of Oceanside. This parcel is undeveloped, with isolated culverts and dirt pedestrian pathways throughout. In general, the property has been impacted by grading and the construction of two man-made drainage trenches and three dirt walking trails. The property has also been previously disturbed by land development on adjacent parcels. Refer to Section 4.4, Cultural Resources, of this EIR for more historical information.

2.1.3 Existing Land Uses

On-Site Land Uses

The project site is currently disturbed, vacant land, as shown in Figure 2-2, Project Site. The adjacent neighborhoods currently use the project site as an extension of the adjacent open space. The site is currently used for dog walking and is used by the adjacent neighborhood to access the San Luis Rey River corridor and associated trail.

Surrounding Land Uses

Uses in the vicinity of the project site primarily include residential development. The San Luis Rey River corridor and associated trail are to the north and the west, bordering the project site. The project site abuts existing residential developments to the east and south. The San Luis Rey River corridor includes a native habitat conservation area and a two-way asphalt bicycle path.

2.1.4 Existing Zoning Designations

The project site, as well as the nearby neighborhood east of the project site, are currently zoned for RS-Single family residential. Surrounding areas are zoned open space in the areas adjacent to the San Luis Rey River, and the nearby neighborhoods contain a variety of residential zones, including RS (Single-Family Residential District), RM-A (Medium Density A District), RM-B (Medium Density B District), and RH (High-Density Residential District) (Figure 2-3, Zoning Designations). These zoning designations are described in detail in Chapter 4.10, Land Use, of this EIR.

The City Zoning Ordinance Article 10 outlines the requirements of the Inland Residential Districts. As presented in Section 1010 of the Zoning Ordinance, the specific purposes of the residential districts are as follows:

- Provide appropriately located areas for residential development that are consistent with the General Plan and with standards of public health and safety established by the City Code.
- Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.
- Promote development of housing affordable by low- and moderate-income households by providing a density bonus for projects in which a portion of the units are affordable for such households.
- Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards.

- Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to multifamily development.
- Achieve design compatibility with surrounding neighborhoods.
- Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.
- Ensure the provision of public services and facilities needed to accommodate planned population densities.

The additional purposes of the RS Single-Family Residential District are as follows:

- To provide opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. Duplexes, triplexes, and fourplexes existing as of the effective date of this ordinance are allowed to remain, but all new residential construction shall be single-family dwellings or approved accessory structures (except as otherwise noted in Section 1030). In the RS District, the base density is 3.6 dwelling units per gross acre and the maximum potential density in 5.9 dwelling units per gross acre.

2.1.5 Existing General Plan Land Use Designations

The project site and the immediately adjacent areas to the east and south have a General Plan land use designation of Single Family Detached Residential (SFD-R). The areas to the north and the west of the project site have a General Plan land use designation of Open Space (City of Oceanside 2021a).

2.2 REGIONAL SETTING

2.2.1 Climate

The local climate within the project area is characterized as semi-arid with consistently mild, warmer temperatures throughout the year. The average summertime high temperature in the region is approximately 67.6°F, with highs reaching 73.6°F on average during the months of July through September. The average wintertime low temperature is approximately 52.9°F, reaching as low as 44.2°F on average during November through March. Average precipitation in the local area is approximately 10.54 inches per year, with the bulk of precipitation falling November through March (WRCC 2016).

2.2.2 Air Basin

The project site is located within the San Diego Air Basin (SDAB) and is subject to San Diego Air Pollution Control District (SDAPCD) guidelines and regulations. The SDAB is one of 15 air basins that geographically divide California. The SDAB lies in the southwest corner of California, comprises the entire San Diego region, and covers approximately 4,260 square miles.

The climate of the San Diego region, as in most of Southern California, is influenced by the strength and position of the semi-permanent high-pressure system over the Pacific Ocean, known as the Pacific High. This high-pressure ridge over the West Coast often creates a pattern of late-night and early-morning low clouds, hazy afternoon sunshine, daytime onshore breezes, and little temperature variation year-round. The SDAB is characterized as a Mediterranean climate with dry, warm summers and mild, occasionally wet winters. Average temperature ranges (in degrees Fahrenheit (°F)) from the mid-40s to the high 90s, with an average of 201 days warmer than 70°F. The SDAB experiences 9 to 13 inches of rainfall annually, with most of the region's precipitation falling from November through March, with infrequent (approximately 10%) precipitation during the summer. El Niño and La Niña patterns have large effects on the annual rainfall received in San Diego, where San Diego receives less than normal rainfall during La Niña years.

Air quality standards have been set pursuant to the federal and state Clean Air Acts, which are referred to as the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). The favorable climate of San Diego also works to create air pollution problems. The SDAB has been determined to be in non-attainment of the federal and state O_3 air quality standards. In the fall months, the SDAB is often impacted by Santa Ana winds, which can transport air pollution from the South Coast Air Basin and increase O_3 concentrations in the San Diego area. Under certain conditions, atmospheric oscillation results in the offshore transport of air from the Los Angeles region to San Diego County that also raises the O_3 concentrations within the SDAB. Due to this condition and the associated Clean Air Act requirements, Regional Air Quality Strategy have been developed to address reducing O_3 in the SDAB (see Section 2.3.3).

Refer to Section 4.2, Air Quality, for additional information regarding air quality in the SDAB.

2.2.3 Soils

Soils in the project site are made up of artificial fill and quaternary young alluvial flood-plain deposits. Generally, soils consist of 0 to 2 inches of loose silty sand from artificial fill, and 2 to 10 inches of denser silty sand of quaternary young alluvium (Appendix E). Refer to Section 4.6, Geology and Soils, for additional information.

2.2.4 Terrain

The topography of the project site is generally flat and previously graded. The project site primarily consists of disturbed habitat and non-native grassland. Elevations range from approximately 44 feet to 51 feet above mean sea level.

2.2.5 Watersheds and Hydrology

The project site is located within the San Luis Rey Hydrologic Unit (903), within the Lower San Luis Hydrologic Area (903.1) and the Mission Hydrologic Sub-Area (903.11) of the Water Quality Control Plan for the San Diego Basin (California Regional Water Quality Control Board 2016). The major surface waterbody in the vicinity of the Cypress Point project is the San Luis Rey River, which flows east to west. The portion of the San Luis Rey River directly north and west of the project site flows approximately 4 miles until its confluence with the Pacific Ocean. Within this Hydrologic Sub-Area, downstream impaired 303(d) listed water bodies include the Pacific Ocean Shoreline and San Luis Rey River Mouth. The technical analysis identifies potential groundwater at a depth between 10 and 20 feet below the ground surface. Refer to Section 4.9, Hydrology and Water Quality, for additional details.

2.2.6 Vegetation and Habitats

Four vegetation/habitat types were identified within the project biological study area that includes the project property parcel, proposed off-site project elements, and a 25-foot habitat mapping buffer: southern willow scrub, non-native grassland, disturbed habitat and urban/developed land. Southern willow scrub consists of dense, broadleaved, winter-deciduous stands of trees dominated by scrubby willows in association with mule fat and scattered emergent cottonwood and western sycamores. Non-native grassland: broadleaf-dominated is a subset of non-native grassland that includes more than 50% of non-native broadleaf species. As is this case with respect to the project site, this community often develops as a result of disturbance. Disturbed habitats are areas that have been physically disturbed and are no longer recognizable as native or naturalized vegetation associations. Urban/developed land is a land cover type which includes areas where vegetation growth is prevented by an existing structure or material, such as a building or road, and includes ornamental vegetation associated with structures. These vegetation communities and land cover types are described in more detail in Section 4.3, Biological Resources.

2.2.7 Utilities

Potable water is currently provided by the City's Water Utilities Department. The project site is situated in the western portion of the City in an area served by the Talone 320 Pressure Zone. The nearest existing 320 Pressure Zone public water lines in the vicinity of the project site are a 12-inch-diameter water line in Pala Road and an 8-inch-diameter water line in Los Arbolitos Boulevard. The water supply to this area comes mainly from three reservoirs and several pressure reducing valves in the Talone 320 Pressure Zone. The three reservoirs are the 5-million-gallon Wire Mountain Reservoir, the 3-million-gallon Fire Mountain Reservoir, and the 3-million-gallon John Paul Steiger Reservoir. These reservoirs provide gravity service to the Talone 320 Pressure Zone.

The existing public sewer system in the vicinity of the project consists of 8-inch-diameter sewer lines in Pala Road and in Los Arbolitos Road. The sewer in Pala Road joins the Los Arbolitos

sewer at the intersection of the streets and then flow continues south in Los Arbolitos Boulevard in a 12-inch sewer. This sewer flows south to Mission Avenue and then to the Mission Avenue Lift Station.

Several force mains and outfalls also run through the project and adjacent to the project. On the west side of the project, there is a 24-inch San Luis Rey Land Outfall and the 24-inch Mission Avenue Lift Station Force Main along with another 24-inch force main and a 10-inch force main. On the east side of the project is the 42" Buena Lift Station Force Main and space reserved for future sewers. Refer to Section 4.17, Utilities and Services Systems, for additional discussion about sewer and water utilities.

On-site drainage is overland flow and concentrated natural flow. Runoff from the residential area to the west flows onto the site at the dead-end of Aspen Street. It then flows across the site in a graded channel and enters a concrete drainage channel that runs along the east side of the site, discharging to a vegetated area adjacent to San Luis Rey River. Runoff from Pala Road enters the site immediately south of the intersection of Los Arbolitos Boulevard and Pala Road. This runoff flows east across the undeveloped right-of-way and discharges to the same vegetated area as the on-site flows. Refer to Section 4.9, Hydrology and Water Quality, for additional details.

2.3 APPLICABLE PLANNING DOCUMENTS

The following describes local and regional planning documents applicable to the proposed project. Per CEQA Guidelines Section 15125, Environmental Setting, the environmental setting chapter of an EIR shall discuss any inconsistencies between the project and applicable general plans, specific plans, and regional plans. Below is a summary of such regional and local plans, as well as a brief disclosure of any inconsistencies. Additional details regarding the consistency with applicable planning documents can be found in each individual environmental issue area section in this EIR, as noted below.

2.3.1 City of Oceanside General Plan

California law requires that each county and city adopt a General Plan "for the physical development of the County or City, and of any land outside its boundaries which . . . bears relation to its planning" (California Government Code, Section 65300). Each General Plan must be internally consistent, and all discretionary land use plans and projects must also be consistent with the General Plan.

The City's General Plan is the primary source of long-range planning and policy direction that is used to guide development within the City and serves as a policy guide for determining the appropriate physical development and character of the City. The City's General Plan is founded on the community's vision for the City and expresses the community's long-range goals. The document was last reformatted in 2002 to rearrange the text and include introductory material. The

City's General Plan contains the following 10 elements: Land Use (amended in 1986), Circulation (updated in 2012), Recreational Trails (adopted in 1996), Housing (2013–2021 Housing Element adopted in August 2013), Environmental Resource Management (adopted in 1975), Public Safety (adopted 1975), Noise (adopted in 1974), Community Facilities (adopted in 1990), Hazardous Waste Management (adopted in 1990), and Military Reservation (adopted in 1981). Each of the City's General Plan elements contains goals for the future of the City. In addition, the City's General Plan contains a land use map, which depicts the planned land uses for properties within the City. Objectives and policies established for each land use designation are described within the City's General Plan's Land Use Element (City of Oceanside 1986).

In 2019, the City Council adopted Phase I of the General Plan Update, which included the Economic Development Element, Energy and Climate Action Element, and Climate Action Plan. Phase 2 of the General Plan Update will include updating of the City's existing Land Use, Circulation, Housing, Conservation and Open Space, Community Facilities, Safety, and Noise Elements. This planning process aims to revisit important planning elements last updated in 2002 (City of Oceanside 2021b). An Environmental Impact Report is being prepared for the City's General Plan Update, which will address all topic areas outlined in the CEQA Appendix G Environmental Checklist Form. The comment period for the scoping phase of the General Plan Update Environmental Impact Report ran from May 24 to June 23, 2021. The onwardoceanside.com website provides up-to-date information about the General Plan Update. Additionally, in June 2021 the City released five project background reports which was considered the first major technical step in the process of updating the City's General Plan and preparing the Smart and Sustainable Corridors Specific Plan. The background reports provide a comprehensive analysis of resources, trends, and concerns that will frame and guide choices for the long-term development of the City. These five background reports include, 1) Baseline Economic and Market Analysis; 2) Land Use and Community Resources; 3) Mobility; 4) Environmental Resources; and 5) Smart and Sustainable Corridors Background Report. These five background reports can also be found on the onwardoceanside.com website.

The proposed project would be consistent with the General Plan, as discussed further in in Section 4.10, Land Use and Planning.

2.3.2 City of Oceanside Zoning Ordinance

The City of Oceanside's Zoning Ordinance is the primary implementation tool for the Land Use Element. The Zoning Ordinance and Zoning Map identify specific types of land use, intensity of land use, and development and performance standards applicable to specific areas and parcels of land within the City.

2.3.3 Oceanside Subarea Plan of the North County Multiple Habitat Conservation Plan

The project site is located within the North County Multiple Habitat Conservation Program (MHCP) area. The North County MHCP is a long-term regional conservation plan established to protect sensitive species and habitats in northern San Diego County (SANDAG 2003). The North County MHCP is divided into seven subarea plans—one for each jurisdiction within the MHCP area—that will be permitted and implemented separately from one another. The Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan (Oceanside Subarea Plan) has been prepared, and although the Oceanside Subarea Plan has not been approved or permitted, it is used as a guidance document for projects in the City (City of Oceanside 2010). The project would be consistent with the MHCP. Refer to Section 4.3, Biological Resources, for additional discussion regarding the Oceanside Subarea Plan.

2.3.4 Regional Plans

In addition to the above City planning documents, the following regional plans are also applicable to the proposed project.

2019 Federal Regional Transportation Plan

The San Diego Association of Governments (SANDAG) is the regional planning agency for the County of San Diego (County), and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. SANDAG serves as the federally designated metropolitan planning organization for the County. With respect to air quality planning and other regional issues, SANDAG prepared San Diego Forward: The Regional Plan (Regional Plan) for the San Diego region (SANDAG 2015). The Regional Plan combines the big-picture vision for how the region will grow over the next 35 years with an implementation program to help make that vision a reality. The Regional Plan, including its Sustainable Communities Strategy, is built on an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system so that it meets the diverse needs of the San Diego region through 2050. The 2019 Federal Regional Transportation Plan (Federal RTP) builds on San Diego Forward: The 2015 Regional Plan with updated project costs and revenues and a new regional growth forecast. The 2019 Federal RTP complies with federal requirements for the development of regional transportation plans, retains air quality conformity approval from the U.S. Department of Transportation, and preserves funding for the region's transportation investments (SANDAG 2019). SANDAG is currently preparing the 2021 Regional Plan, which will be adopted in the fall of 2021. For additional information regarding the Regional Plan, refer to Sections 4.2, Air Quality; 4.7, Greenhouse Gas Emissions; 4.10 Land Use and Planning; and 4.15, Transportation.

Regional Air Quality Plan

The SDAPCD and SANDAG are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the San Diego Air Basin. The Regional Air Quality Strategy (RAQS) for the San Diego Air Basin was initially adopted in 1991 and is updated on a triennial basis, most recently in 2016 (SDAPCD 2016). As discussed under Section 2.2.2 above, the SDAB is in non-attainment for O_3. The RAQS outlines SDAPCD's plans and control measures designed to attain the state air quality standards for O_3. The RAQS relies on information from the California Air Resources Control Board (CARB) and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County and the cities in the County, to forecast future emissions and then determine from that the strategies necessary for the reduction of emissions through regulatory controls. The CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by the County and the cities in the County as part of the development of the General Plans (SANDAG 2017a, 2017b). The project would be consistent with the RAQS considering the project complies with the General Plan and Zoning for the site. For additional information regarding air quality plans, refer to Section 4.2 Air Quality.

Water Quality Plans

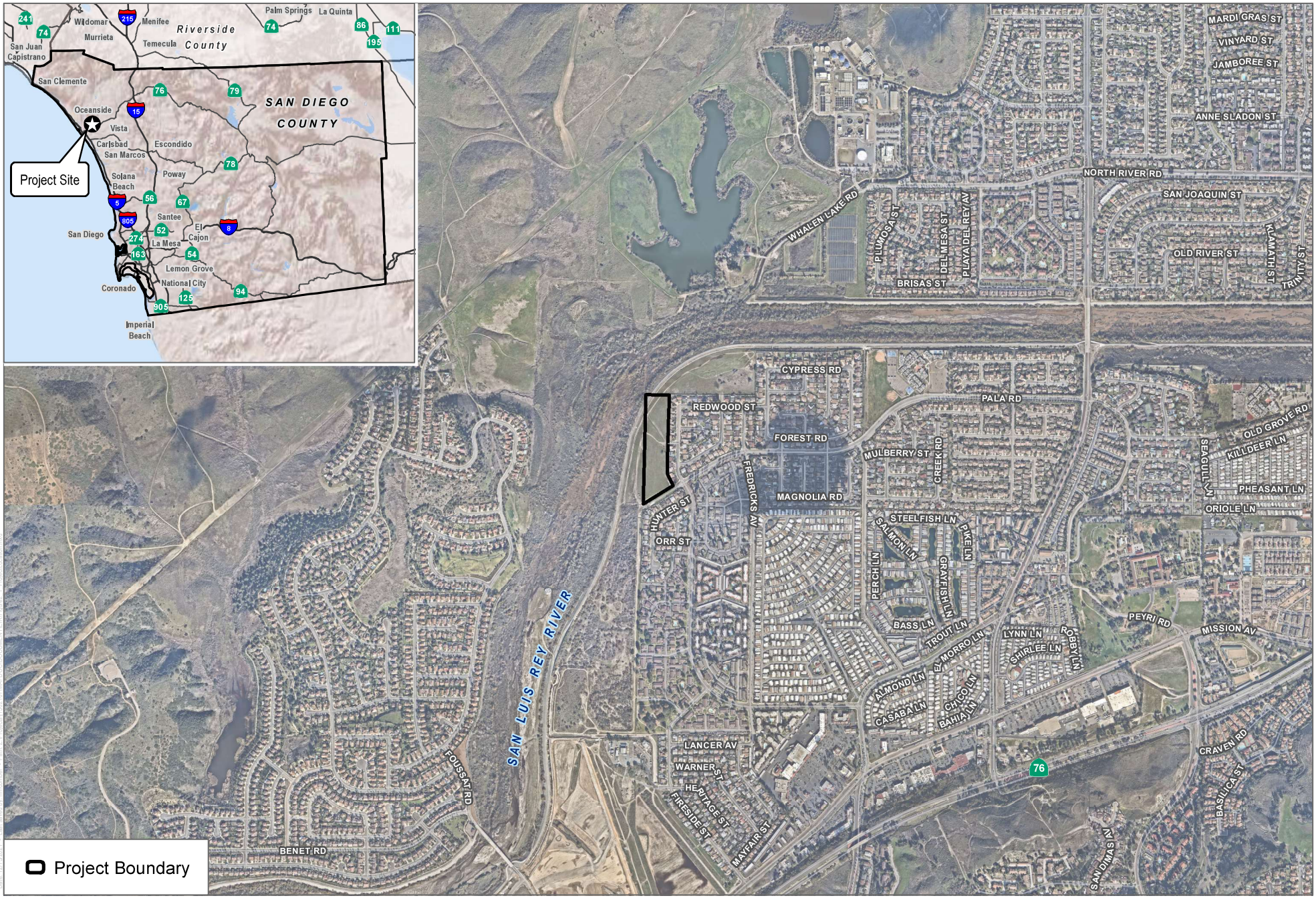
San Luis Rey Watershed Water Quality Improvement Plan

On May 8, 2013, the Regional Water Quality Control Board (RWQCB) approved a regional municipal separate storm sewer system (MS4) permit that is applicable to local jurisdictions within San Diego, southern Orange, and southwestern Riverside Counties (Order No. R9-2013-0001). The region-wide National Pollutant Discharge Elimination System (NPDES) Permit (Regional MS4 Permit) sets the framework for municipalities, such as the City, to implement a collaborative watershed-based approach to restore and maintain the health of surface waters. The Regional MS4 Permit requires development of Water Quality Improvement Plans (WQIPs) that will allow the City (and other watershed stakeholders) to prioritize and address pollutants through an appropriate suite of best management practices (BMPs) in each watershed.

The City lies within the San Luis Rey Watershed Management Area and is one of the responsible municipalities for the watershed's WQIP. The San Luis Rey Watershed WQIP was accepted by the RWQCB on February 12, 2016 and finalized in March 2016 (City of Oceanside et al. 2016). The WQIP includes strategies to improve water quality in receiving waterbodies. The project would comply with these strategies and would be consistent with this plan. For additional information water quality, refer to Section 4.9, Hydrology and Water Quality.

Oceanside Municipal Airport Land Use Compatibility Plan

The County's Regional Airport Authority develops and adopts airport land use compatibility plans (ALUCPs) for each public use and military airport within its jurisdiction. The Oceanside Municipal ALUCP, as amended in December 2010, provides policies to ensure compatibility with the airport and surrounding land uses. These policies span various topics including noise, overflight zones, and safety. The ALUCP is based upon the Federal Aviation Administration (FAA) approved Airport Layout Plan. The project site is not located within the noise or safety zones designated by this ALUCP, but a small southern portion of the project site is within the Airport Overflight Notification Area. The project would comply with this notification requirement and would be consistent with this plan. For additional information regarding the ALUCP, refer to Section 4.8, Hazards and Hazardous Materials, and Section 4.11, Noise.



SOURCE: SANGIS 2019

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FIGURE 2-1

Project Location

Cypress Point Project Environmental Impact Report

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SOURCE: SANGIS 2019

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FIGURE 2-2

Project Site

Cypress Point Project Environmental Impact Report

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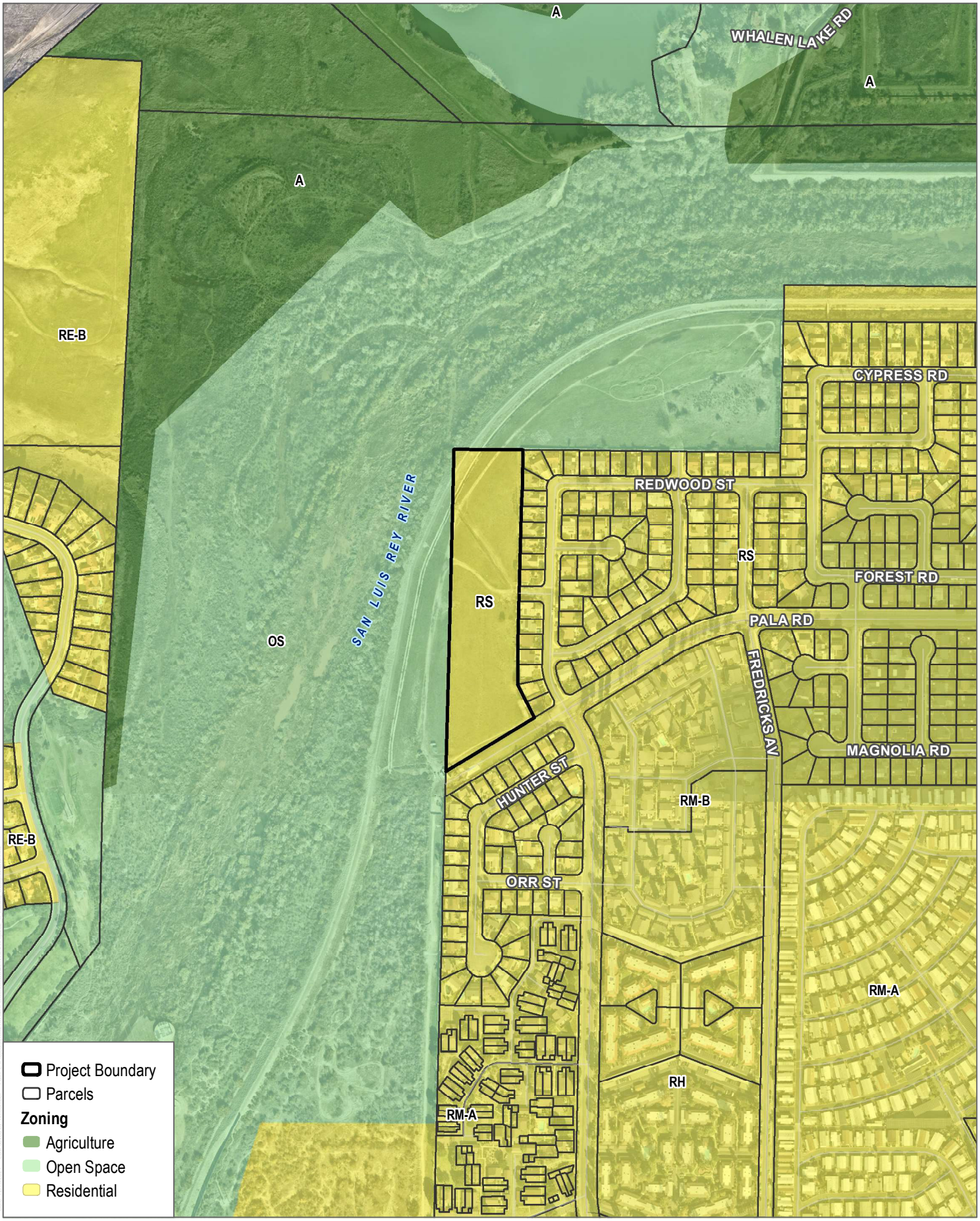

SOURCE: SANGIS 2019

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FIGURE 2-3

Zoning Designations

Cypress Point Project Environmental Impact Report

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CHAPTER 3
PROJECT DESCRIPTION

As required by Section 15124 of the California Environmental Quality Act (CEQA) Guidelines, this section describes the Cypress Point project (proposed project). This chapter includes a statement of the project objectives, a general description of the proposed project's technical, economic, and environmental characteristics, and a summary of the discretionary actions required to approve the proposed project.

3.1 PROJECT OBJECTIVES

Section 15124(b) of the CEQA Guidelines requires that an EIR include a statement of the project objectives that "include the underlying purpose of the project and may discuss the project benefits." The following objectives have been identified for the project:

1. Ensure both visual and functional compatibility with other nearby land uses, development, and natural features.
2. Design buildings, spaces, and uses that enhance and respect the character of the surrounding area, create a sense of neighborhood, and complement the vision for the area.
3. Ensure the vision for site development is economically feasible.
4. Implement State density bonus law, the Surplus Lands Act, and the City's General Plan Housing Element by providing housing for a mix of income levels, including at least 15% of the project's base dwelling units for low-income households on the project site.
5. Provide new market rate and affordable housing on a site that is consistent with the City's General Plan, Zoning Ordinance, Density Bonus Law, and affordable housing objectives, and to help satisfy the City's current and future demand for housing.
6. Develop homes on a site that can be served by existing utilities, services, and street access, within close proximity to public transportation and shopping centers.
7. Design a project that compliments and allows for the City's sewer infrastructure projects to continue and run through the development site.

3.2 PROJECT OVERVIEW AND MAJOR COMPONENTS

The proposed project site consists of a vacant parcel (APN 158-301-46) and includes approximately 7.3 acres located in the San Luis Rey Neighborhood Area of the City of Oceanside, California. The proposed project site is located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersections in the northern portion of the City of Oceanside. The property is located adjacent to the San Luis Rey (SLR) River flood channel and SLR trail/bikeway along the top of the flood channel berm, approximately 0.9 mile north of State Route 76 Highway and approximately 0.5 mile southeast of Camp Pendleton within Section 7, Township 11 South, Range 4 West of the USGS San Luis Rey, California Quadrangle. The project site is bordered on the north and west by the San Luis Rey River and on the south and east by existing residential developments.

The project site is zoned RS-Single family residential, corresponding with the General Plan designation of Single Family Detached Residential (SFD-R). Surrounding areas to the project site are zoned open space (to the north and west of the project site), and a variety of residential zones, including RS (Single-Family Residential District), RM-A (Medium Density A District), RM-B (Medium Density B District), and RH (High-Density Residential District) in the adjacent neighborhoods (to the east and south of the project site). Commercial zones are located alongside Highway 76, which is less than a mile south of the project site. Please refer to Figure 2-3, Zoning Designations in Chapter 2, Environmental Setting, of this EIR.

The proposed project includes development of 54 single-family homes on the 7.3-acre project site, ranging in size from approximately 1,200 to 1,700 square feet, located around a private loop road within the project site (Figure 3-1, Tentative Map). Primary access to the project site is proposed to be taken from a westerly extension of Pala Road, at the southern edge of the project site. Secondary emergency only access is proposed via Aspen Street, at the midpoint of the project site on the east side. In the event of an emergency the Aspen Street gate can be accessed by the Fire Department by knox box entry device. Both road entries would lead to the private loop within the project site. All proposed residences would include an entrance driveway, walkway, and front porch located in the front façade closest to the sidewalk and street. Two-car garages would be set further back than the front façade and would allow for two cars in the garage and two cars in the driveway. Additionally, the development would provide 38 more parking spaces for residences and/or guests. The two-story homes would include 3 to 4 bedrooms, living areas on the first floor, bedrooms on the second floor, and private outdoor space provided in the rear yard. A floor plan summary for the proposed development is outlined below in **Table 3-1**, Proposed Floor Plans.

Table 3-1
Proposed Floor Plans

Plan Type	Square Feet	Bedrooms	Units
Plan 1	1,206	3	8
Plan 2	1,373	3	11
Plan 3	1,500	3	17
Plan 4	1,703	3 + den, or 4	18
		Total	**54**

A portion in the northwest corner of the project site has been left undeveloped as part of the City's Draft Subarea Plan hardline preserve and to accommodate the existing San Luis Rey Trail located on the property. The preserved area is just under 1 acre in size which contains a 6' masonry wall at the development perimeter to protect it from human contact.

The proposed homes in the development would be setback from existing residential homes along the eastern project boundary by approximately 70 feet to 75 feet from structure to structure with 48 feet separation between property lines, in order to provide privacy and visual relief to the existing homes on Los Arbolitos Boulevard.

The property was sold as surplus land by the City to Concordia Communities, LLC. Under the Surplus Lands Act of California, if a project is developed with 10 or more residences, no fewer than 15% of those residences must be designated as "affordable" as defined by the state. Of the proposed 54 single-family homes, 8 of the units would be affordable/low-income units, and the remaining 46 units would be considered market rate units, which complies with both the Surplus Lands Act and Density Bonus Law provisions regarding affordable housing. Affordable units would be commensurate to the overall project in unit size and dispersed throughout the project having access to all amenities available to the market rate units. Unit calculations based on both the Surplus Lands Act and density bonus law are described in detail below and in Chapter 4.12, Population and Housing, of this EIR.

The approvals required for the project include a Tentative Map, Development Plan, and a request for Density Bonus with waivers for development standards such as lot size, lot width, setbacks, lot front landscaping requirements, overall height of fences and walls, and a requirement that retaining walls over 4 feet high be plantable. Approvals and requested Density Bonus waivers for development standards are further outlined below in Section 3.3 Discretionary Actions and Approvals.

3.2.1 Land Uses

The proposed residential project includes residential uses within a 7.3-acre project site. The project also includes supporting amenities, including open space and landscaping. The property is zoned RS-Single family residential, corresponding with the City of Oceanside's General Plan designation

of SFD-R. As described above, surrounding areas are zoned open space in the areas adjacent to the San Luis Rey river, and a variety of residential zones, including RS, RM-A, RM-B, and RH, are located in the nearby neighborhoods. As the project proposes 8 low-income units, the Density Bonus Law requires the City to grant two incentives/concessions and unlimited waivers. The project is requesting waivers to the following development standards for a housing development: overall lot size, lot width, setbacks, lot front landscaping requirements, and fences and walls height and plantable retaining walls. Project development standards and requested waivers are outlined below in Table 3-4. Proposed land uses on the project site are further discussed in detail in Chapter 4.10 Land Use, and Chapter 4.12 Population and Housing, of this EIR.

3.2.1.1 Residential

The State of California's Density Bonus Law (Government Code Section 65915-65918) was established to promote the construction of affordable housing units, and allows projects to exceed the maximum designated density and to use development standard waivers, reductions or incentives and concessions in exchange for providing affordable housing units in compliance with all current density bonus regulations. The City implements these state requirements, and a summary of the proposed unit count based on the density bonus is outlined in Table 3-2 below.

The project proposes 54 total single-family homes, which is fewer than the 57 allowed under the density bonus. The Surplus Lands Act requires that 15% of the constructed homes, or 8 units, be affordable, which is one (1) more affordable unit than the 7 required under the density bonus. The project would designate 8 units to be affordable/low-income units, and the remaining 46 units would be market rate, which complies with both the Surplus Lands Act and Density Bonus Law provisions regarding affordable housing. Of the 54 total units, 36 would be three-bedroom homes (Floor Plans 1-3) and the remaining 18 homes would have the option of having three-bedrooms with a den or four-bedrooms (Floor Plan 4). The homes would all be two stories and would range in size from approximately 1,206 to 1,703 square feet, and each home would have a front porch, two-car garage, and private outdoor space provided in the rear yard. Given the site's 7.38 acres and the permitted base density of 5.9 units per acre, the project would have an allowed base of 44 units. With approximately 22% of the allowable 27.5% bonus provided in accordance with State Density Bonus law, an additional 10 "bonus density" units are proposed. This is further described in Section 3.3, Discretionary Actions and Approvals, below.

Table 3-2
Proposed Unit Count Methodology

Types of Units	Calculations	Proposed
Total Units	57 units-maximum (per Density Bonus Law)	54 units
Affordable Units (low income)	7 (per Density Bonus Law; 8 (per Surplus Lands Act)	8 units
Market Rate Units	N/A	46 units

3.2.1.2 Open Space

Approximately 24% of the project site is planned as open space. A total of approximately 27,023 square feet of common open space is proposed, which consists of central green space, and the north and south sides of the eastern landscaped area. The centrally located common open space creates a gathering spot for neighbors, and a recreational turf area would provide an area for children to play, and an arbor arc through the center of the green space would provide shade over the proposed picnic tables. The central green space would also include a decomposed granite path winding through the landscaped area. Each residence would have a private backyard, which would provide a total of approximately 49,140 square feet of private open space within the project site (approximately 910 square feet per residence). Overall, a total of 76,163 square feet of usable open space would be provided by the project. Three hundred (300) square feet of open space per unit is required, and the project proposes 1,410 square feet of open space per unit. A summary of the usable open space areas proposed as part of the project is outlined in Table 3-3 below.

Table 3-3
Usable Open Space

Location of Open Space	Size of Open Space (square feet)
Share Open Space	
Central Green Space	8,251
Eastern Landscaped Pathway - north side	8,759
Eastern Landscaped Pathway - south side	10,013
Total Shared	**27,023**
Private Open Space	
Backyards	49,140
Total Private	**49,140**
Total Usable Open Space	**76,163**
Total per Residence (54)	**1,410 per unit**

3.2.1.3 Landscaping and Walls

Proposed landscaping is designed to provide a distinct visual character and enhance the project. The preliminary landscaping plan is shown in Figure 3-2, Landscape Plan. The primary entrance at the Pala Road extension would include the addition of street trees and ground level vegetation. Additional landscape opportunities are provided at the southern edge of the project, with three of the four bio-basins on site being located along Pala Road. The entry at Pala Road will be a private gate that will be owned and operated by the HOA for the benefit of the homeowners. The secondary entrance at Aspen Street, serves as an emergency only access to the existing neighborhood and would be improved through the reconstruction of sidewalks on both sides of the street with street trees between the sidewalk and the existing homes. Homeowners will not be able to access

Los Arbolitos from the project site via vehicles. At the northwest corner of the site, existing vegetation along the San Luis Rey would be left undisturbed. A four-foot wall is located on the northwest corner of the private road facing the trail, with a masonry wall above that connects to the masonry perimeter wall for safety and to prohibit human encroachment into the river buffer and the hardline preserve. Two existing wells are located on the project site, and both wells are fenced to provide 10-foot by 10-foot maintenance access and to prevent public access.

Front yards of the proposed homes that face the loop road around the project site would have two front yard trees, one for a landscape accent and the other to provide shade at the front porches. As described above, the centrally located common open space would create a gathering spot for neighbors, and a recreational turf area would provide an area for children to play, and an arbor arc through the center of the green space would provide shade over the proposed picnic tables. The central green space would also include a decomposed granite path winding through the landscaped area.

There would be a masonry perimeter wall that would prevent access from the developed site towards the trail in order to protect the natural landscape and help minimize light intrusion into the area. Wood fencing would provide privacy around yards, except for some lots along the northern and western boundaries of the project site, which will have retaining walls. These retaining walls are included to accommodate the increased elevation of the site necessary to raise the site out of the floodplain, provide appropriate site drainage, and to accommodate existing and proposed City trunk utility pipes. These walls are 4 feet to 5 feet high facing open space, the eastern neighbors and the San Luis Rey Trail, and have open tubular steel fencing above where needed for security. All backyard and fenced side yard spaces are private and would be maintained by the homeowner.

A variety of bushes and planting would create a buffer to the existing homes in the area where underground utilities limit the use of trees. Landscaping would be in front of all walls where possible, except along the western boundary where walls are located on the property line. Water conserving landscaping and efficient irrigation design would be utilized, along with consideration of aesthetic and functional requirements for the site. Landscaping adjacent to public rights-of-ways, including the central green space, stormwater basins, and the front yards of residences would be maintained by an HOA.

3.2.2 Architectural Design

The project would have an architectural style inspired by traditional farmhouse styles with patios at the face of each home making the pedestrian entry a focal point, with garages set back in a less prominent location that accommodates a full-size driveway (Figure 3-3, Project Rendering). Three different elevations would be provided for each of the four (4) floorplans, allowing for a variety of facades and a diverse street scene. Proposed building material finishes would include stucco finish, Hardie board vertical siding, decorative rafter tails, vinyl windows, and painted wood beams

and shutters. The proposed building height would be a maximum of 25 feet above grade, which is less than the 36-foot zoning code height limit. The project is requesting a waiver pursuant to Density Bonus law for 5-foot side and corner setbacks, 10-foot rear setbacks, 11.5-foot setbacks from the front of the building façade to the property line perpendicular to the front façade, 6.5-foot setbacks from the porch to the property line, and 20-foot setbacks to the garage. The project design is intended to promote the use of outdoor space and pedestrian usage. Additional details and analysis related to architectural design can be found in Chapter 4.1, Aesthetics.

All outdoor lighting would meet Chapter 39 of the City Municipal Code (light pollution ordinance) and would be shielded appropriately. Street lighting would be provided through lighting on individual homes rather than overhead lighting to reduce lighting impacts to the surrounding open space areas and improve dark sky regulation compliance.

3.2.3 Circulation, Access, and Parking

3.2.3.1 Vehicular Circulation and Access

The project site is located north of Pala Road and west of Los Arbolitos Boulevard. The proposed 54 single-family residences would be surrounding a private loop road within the project site. (Figure 3-1). Pala Road would provide the primary vehicular access to the proposed project from a proposed westerly extension of Pala Road at the southern edge of the project site. Secondary access to the project site would be available via Aspen Street, at the midpoint of the project on the east side. Both public road entries lead to the private road with frontage for residences and guest parking.

The project proposes sidewalk improvements to Aspen Street, including extending the curb, gutter, and sidewalk on both sides of the street leading to the project site with ADA-accessible corner curbs. A 5-foot curb, gutter, and sidewalk would surround the homes on the interior side of the loop road, with an additional sidewalk along the Pala Road extension into the project site that would connect with corner curbs to the inner loop sidewalk.

3.2.3.2 Pedestrian Circulation and Access

Pedestrian access is provided by sidewalks in each direction of travel along Los Arbolitos Boulevard, Pala Road, Fredricks Avenue, El Camino Real, Mission Avenue, and Aspen Street. Sidewalk improvements proposed for Aspen Street would include extending the curb, gutter, and sidewalk on both sides leading into the project site with ADA-accessible corner curbs.

Aspen Street will be gated and closed at all times except in the event of an emergency. Pedestrian access doors will be installed on both the Aspen Street and Pala Road sidewalks for use by the Cypress Point residents but closed to the general public.

3.2.3.3 Bicycle Circulation and Access

There are currently Class II bike lanes in each direction of travel on Pala Road, Mission Avenue, and El Camino Real (south of Mission Avenue) in the vicinity of the project site. The project would maintain access to the San Luis Rey River Trail bike path. The closest public access point to the San Luis Rey River Trail bike path from the project site is located just east, off Cypress Road.

3.2.3.4 Public Transit Access

The project area is provided transit service via the North County Transit District (NCTD), which operates the Oceanside Transportation Center located approximately 4.3 miles from the project site. The routes that operate near the project area are routes 303, 309, and 311. Bus stops within a 1-mile radius of the project site include the stops located at Pala Road and Fredricks Avenue, Los Arbolitos Boulevard and Orr Street, and El Camino Real and Mission Avenue. Additionally, the Oceanside Transportation Center has connections to the following NCTD routes: 101, 302, 313, 318, 392 FLEX, 395 Flex, RTA 202, Coaster, Amtrak, Metrolink, Greyhound and Sprinter.

3.2.3.5 Parking

The project would provide a total of 254 parking spaces on site for residents and guests. Each home would have a two-car garage set back from the front façade, and driveways would be designed to allow for two full sizes parked cars, allowing parking for four (4) cars per home. In addition to the parking at each residence, the project would also provide 38 surface parking spaces on site for guests and residents.

3.2.4 Public Utilities

Water Facilities

Water service would be provided via the existing water connections to the existing public water system. Water service for the project would be provided by the City via connections to the existing 8-inch water line within Los Arbolitos Boulevard and the existing 12-inch water line within Pala Road. Off site, the project would extend the 12-inch public water main in Pala Road to the project site. All proposed on-site water mains would be 8-inches in diameter and would provide looping between the two existing system connections. Refer to Section 4.17, Utilities and Services Systems, for a detailed description of water service and connection.

Sewer Facilities

The existing public sewer system in the vicinity of the project consists of 8-inch-diameter sewer lines in Pala Road and in Los Arbolitos Road. The sewer in Pala Road joins the Los Arbolitos sewer at the intersection of the streets and then flow continues south in Los Arbolitos Boulevard in a 12-inch

sewer. This sewer flows south to Mission Avenue and then to the Mission Avenue Lift Station. Several force mains and outfalls also run through the project and adjacent to the project. On the west side of the project, there is a 24-inch San Luis Rey Land Outfall and the 24-inch Mission Avenue Lift Station Force Main along with another 24-inch force main and a 10-inch force main within existing public easements. On the eastern boundary of the project site there is the 42-inch Buena Lift Station Force Main and new public easement reserved for future sewer mains.

Site Drainage

Storm drain systems and connections would be designed to collect on site runoff and convey it through the project site into existing drainage facilities. Stormwater treatment to meet water quality requirements include four bio-basins on the project site and storm water quality areas within the public right-of-way. On-site basins include one in the common area central to the project site and three along the southern edge of the project site. Additional stormwater management areas include the landscaped areas adjacent to the public street improvement areas to treat street runoff. Refer to Section 4.9, Hydrology and Water Quality, for a detailed description of site drainage.

Dry Utilities

Electricity and natural gas would be provided by San Diego Gas & Electric (SDG&E). There are existing electrical lines and natural gas pipeline within Pala Road and Los Arbolitos Boulevard, adjacent to the project site. The project would connect to existing dry utilities at Pala Road and Los Arbolitos Boulevard.

3.2.5 Project Design Features

The following features have been incorporated into the project design. These project design features would be conditions of approval and/or required in order to comply with applicable regulations.

3.2.5.1 Sustainability

In addition to the project's infill location, the project would include several sustainability design features to reduce potential energy and water usage, promote pedestrian and bicycle travel, and reduce potential greenhouse gas emissions. The proposed sustainability features include:

1. Solar system for each home
2. Installation of 90% light-emitting diode (LED) lighting or other high-efficiency lightbulbs
3. Energy star or equivalent energy efficient appliances
4. Low-flow water fixtures and appliances
5. Drought-tolerant landscaping and water efficient irrigation system
6. Bicycle parking facilities

3.2.5.2 Traffic Control Plan

During the proposed sidewalk improvements to Aspen Street, including extending the curb, gutter, and sidewalk on both sides of the street leading to the project site with ADA-accessible corner curbs, the project would implement a traffic control plan to ensure continued access through the area. This traffic control plan is a standard City requirement and a condition of approval required for projects that involve improvements with within a right-of-way or access easement and would be subject to approval by the City Traffic Engineer.

3.2.5.3 Way-finding Signage

The project includes the following way-finding signage:

- Signage at the project entrance identifying to motorists that the residential complex is private/not a through street
- Signage within the site identifying visitor parking

3.2.5.4 Geotechnical Report Recommendations

The Geotechnical Report (Appendix F) includes project design recommendations pursuant to California Building Code and the City of Oceanside Grading Ordinance. The project would be required to comply with the recommendations of the Geotechnical Report as a condition of approval. These recommendations are specified in Appendix F Section 6.0. In summary, the recommendations pertain to earthwork, foundations and slab design, lateral earth pressures and retaining wall design, geochemical considerations, concrete flatwork, preliminary pavement design, infiltration best management practices, control of ground water and surface waters, construction observation, and plan review. Please refer to Chapter 4.6 of this EIR for a detailed analysis on geology and soils.

3.2.5.5 Biological Considerations

The project includes the following project design features, also outlined in Chapter 4.3, Biological Resources, of this EIR:

- Placement of 6-foot-high masonry walls at the top of slope along the project perimeter in the northwest corner to minimize potential lighting and noise impacts and avoid human access to the SLR River buffer;
- Planting, maintenance, and monitoring of several western sycamore trees along the northern and western project property boundaries (outside and setback from the existing SLR River levee and sewer mains in proximity) to minimize potential lighting and noise

impacts; placement of 6-foot-high fencing along remainder of proposed project northern and western boundaries to avoid or minimize human access to the SLR River buffer;

- No streetlights are required throughout the interior project streets and therefore none are proposed (one exception along Pala Road where one streetlight is proposed for safety reasons);

- Proposed lighting on homes would be directed downward and shielded to avoid light spill into the adjacent Preserve/WCPZ. Further, proposed lighting on homes would use the lowest intensity lighting appropriate for the task and use lights with little to no blue wavelengths and warmer color temperatures (e.g., low-pressure sodium lights) where feasible.

- The project Concept Landscape Plan (Figure 3-2) includes a proposed plant palette that does not include invasive non-native plant species on the California Exotic Pest Plant Council List of Exotic Pest Plants of Greatest Ecological Concern in California and the Subarea Plan that could spread into the adjacent Preserve. Due to the project size and proximity to the Preserve (within 500 feet), all proposed project landscaping consists of native plant species appropriate for the project area and consistent with Subarea Plan. Further, the Landscape Plan includes an irrigation plan that demonstrates how the proposed project irrigation shall be contained to the project development and shall not drain or overspray resulting in potential spread of invasive plant species, erosion, and/or non-native species such as Argentine ants.

3.2.6 Construction Phasing and Conceptual Grading

It is anticipated that development of the proposed project would occur over approximately 14 months, with a project opening day estimated in Spring 2023. The anticipated sequence of construction is as follows, with some phases overlapping:

- Site Preparation (2 weeks)
- Rough Grading (4-6 weeks)
- Utility Trenching (10 weeks)
- Building Construction and Architectural Coating (40 weeks)
- Paving (4 weeks)

The entire 7.3-acre site would be graded. Approximately 33,093 cubic yards of fill would be imported, as the project would include approximately 3,139 cubic yards of cut and 29,898 cubic yards of fill. Construction is proposed to occur Monday through Saturday, between 7:00 a.m. and 7:00 p.m., to comply with Section 6.25 of the City's Code of Ordinances (City of Oceanside 2019).

3.3 DISCRETIONARY ACTIONS AND APPROVALS

Consistent with the City's General Plan and Zoning Ordinance, the proposed project requires certain entitlements be submitted, reviewed, and approved by the City. The requested entitlements include a Tentative Map and a Request for Density Bonus. As the project proposes 8 low-income units, Density Bonus Law requires the City to grant an incentive/concession and unlimited waivers. In order to accommodate the increased density allowed under Density Bonus Law and maintain the single-family lot design and character of the underlying zone, the project cannot physically comply with all of the development standards that apply to standard projects. Based on the proposed design to accommodate Density Bonus units, the project seeks a waiver of the following development standards for a housing development pursuant to Density Bonus law:

- Overall lot size
- Lot width
- Setbacks
- Lot front landscaping requirements
- Fences and walls height and plantable retaining walls

A summary of the development standards and required waivers are outlined in Table 3-4 below, to demonstrate compliance with the RS zone, or where Density Bonus waivers are requested. Development standards for the RS Zone is also described in detail in Chapter 4.10, Land Use, of this EIR.

Table 3-4
Project Development Standards and Required Waivers

Development Standard	RS Zone	Proposed Project	Notes
Lot Size (square feet)	6,000 square feet (minimum)	3,000 square feet (minimum)	Waiver to accommodate Density Bonus units
Lot Width	65 feet. (minimum)	50 feet. (minimum)	Waiver to accommodate Density Bonus units
Setback - Front	20 feet. (minimum)	11.5 feet. (minimum front building façade to property line perpendicular to front façade), 6.5 feet from porch to property line, and 20 feet (minimum to garage)	Waiver to accommodate Density Bonus units
Setback - Side	7.5 feet. (minimum)	5 feet. (minimum)	
Setback – Corner Side	10 feet. (minimum)	5 feet. (minimum)	
Setback - Rear	15 feet. (minimum)	10 feet. (minimum)	

Table 3-4
Project Development Standards and Required Waivers

Development Standard	RS Zone	Proposed Project	Notes
Density	3.6 – 5.9 du/gross acre (44 units max)	54 units with Density Bonus	Proposed number of units were calculated using the State Density Bonus Law
Lot Coverage	45% (maximum)	42% maximum 36% average	Complies with Code
Building Height	36 feet. (maximum)	24 feet. 10 inches	Complies with Code
Parking	2-car garage per single family home	2-car garage per single family home, full size driveway for guest parking and additional 30 spaces within the project site available for visitors	Complies with Code
Landscaping	Minimum 50% of yard adjoining street shall be planting or landscaping (including ornamental gravel). The remainder may be used for driveways or walks.	Front yards of the proposed homes that face the loop road around the project site would have two front yard trees, one for a landscape accent and the other to provide shade at the front porches.	Waiver to accommodate Density Bonus units
Fences and Walls	Maximum height of a fence or wall, including retaining walls shall be 6 feet. Retaining walls over 4 feet in height shall be planted and irrigated.	Retaining walls for site plan includes segments up to 5 feet that are standard, non-plantable walls. Some fencing along the western boundary exceeds the total of 6 feet, with 42" tubular metal atop 48" retaining wall.	Waiver needed to provide for graded lot sizes that can accommodate Density Bonus Units and provide additional privacy along eastern boundary in response to neighbor concerns
Useable Open Space	Total useable space shall be at least 300 square feet per dwelling unit	1,410 square feet per units	Complies with Code
Urban Forestry	Tree Canopy minimum on sites one acre or more – 12% of site minimum Permeable surface area minimum on sits one acre or more – 22% of site minimum	Tree Canopy – 74,404 square feet, or approximately 23.5% Permeable surface area – 84,240 square feet or approximately 26.6%	Complies with Code
Renewable Energy Facilities	Residential projects with 25 or more units shall install and maintain renewable energy facilities that supply at least 50% of forecasted electricity demand	Each home would be provided with a solar system to meet 50% of forecasted electricity demand	Complies with Code

The City would use this EIR and associated documentation in its decision to approve or deny the required discretionary permits. Other responsible and/or trustee agencies can use this EIR and supporting documentation in their decision-making process to issue additional approvals.

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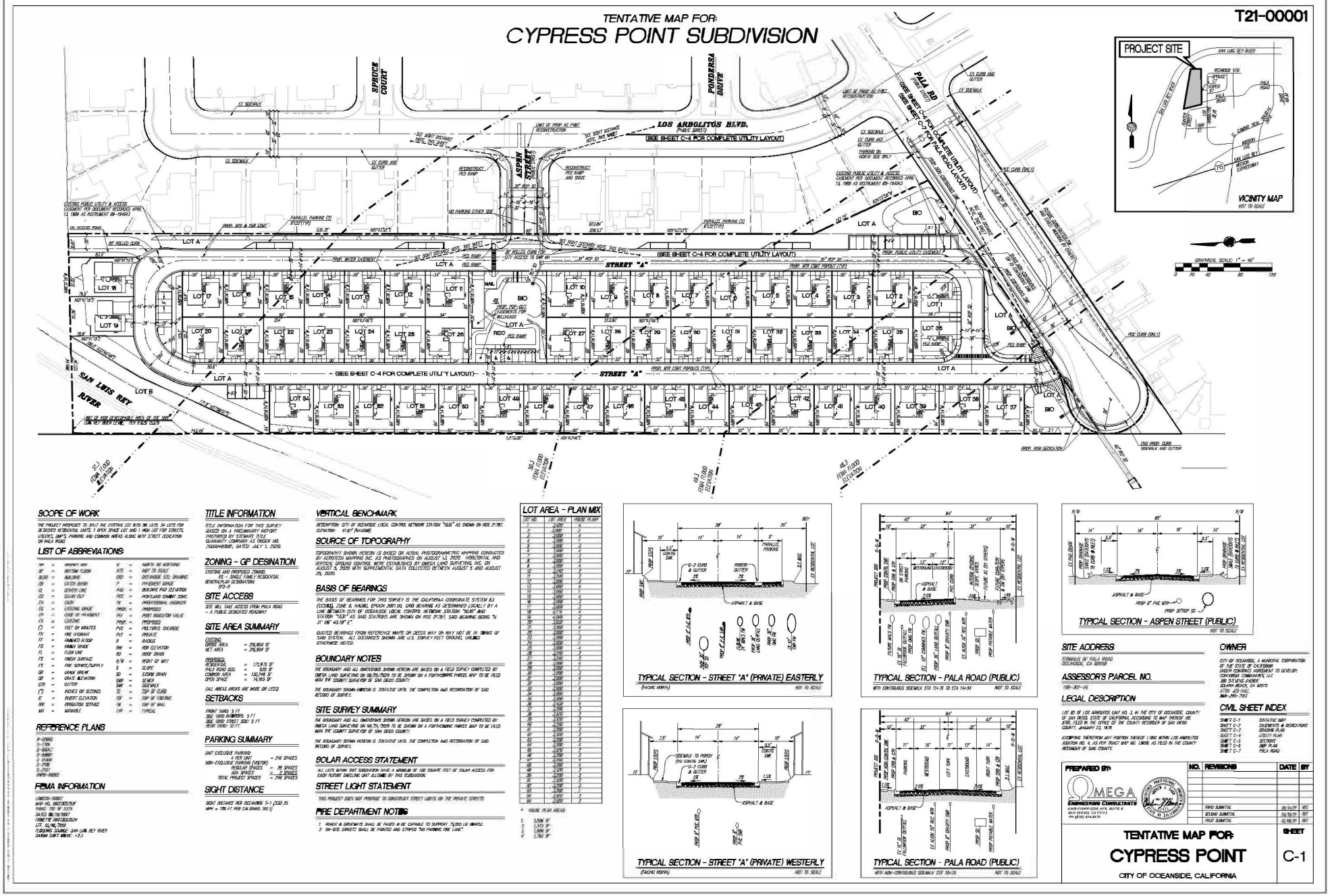

SOURCE: Omega Engineering 2020

FIGURE 3-1

Tentative Map

Cypress Point Project Environmental Impact Report

DUDEK

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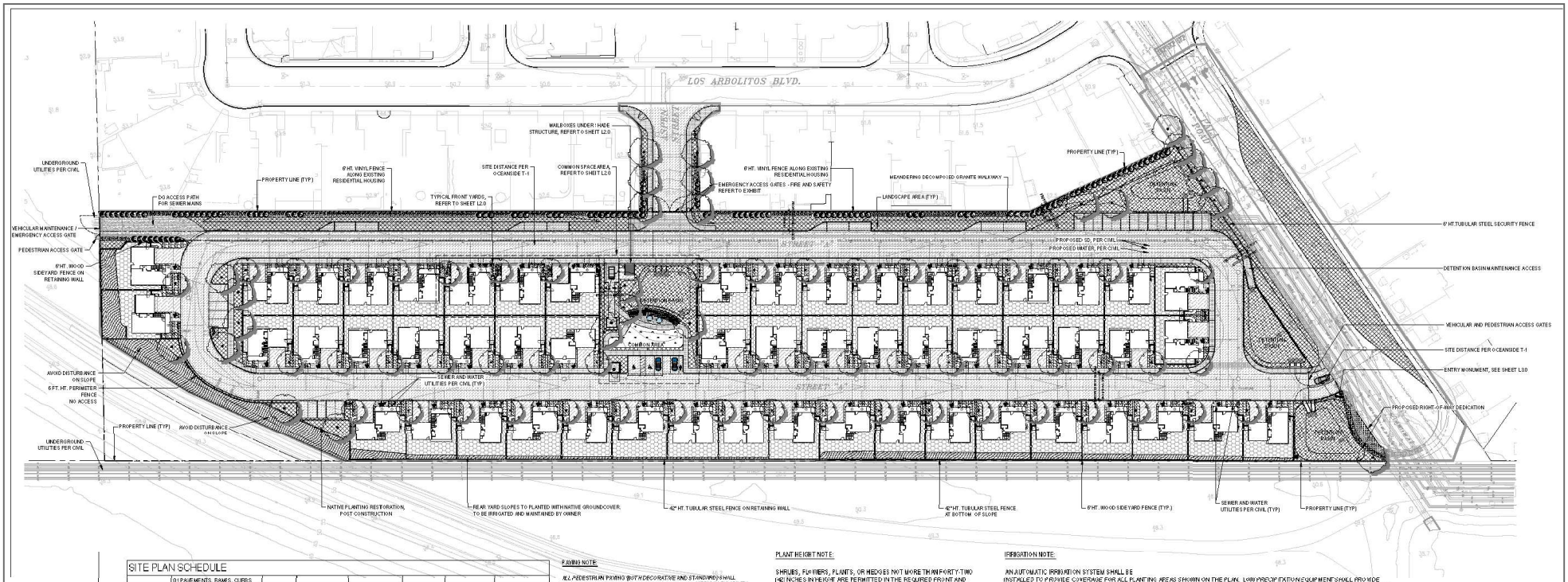

SITE PLAN SCHEDULE

	01 PAVEMENTS, RAMPS, CURBS						
SYMBOL	DESCRIPTION	QTY	MATERIAL	COLOR	FINISH	SPECIFICATION	MANUFACTURER
	SIDEWALK	121,320 SF	CONCRETE	NATURAL GREY	TOP CAST 05	W/ SAWCUTS	
	CONCRETE PAD	23,469 SF	CONCRETE	NATURAL GREY	TOP CAST 05	W/ SAWCUTS	
	DECOMPOSED GRANITE	3,141 SF	D-9	COPPER CANYON	STABILIZED		DGI - 800.659.1678
	01 PLANTING AND LANDSCAPE						
SYMBOL	DESCRIPTION	QTY					
	REAR YARD PER OWNER	69,110 SF					

PAVING NOTE:

ALL PEDESTRIAN PAVING (BOTH DECORATIVE AND STANDARD) SHALL COMPLY WITH THE MOST CURRENT EDITION OF THE AMERICAN DISABILITY ACT.

PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	QTY
	PISTACIA CHINENSIS	CHINESE PISTACHE	
	PLATANUS MEXICANA ALAMO' TM	MEXICAN SYCAMORE	22
	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	3

SHRUBS	BOTANICAL NAME	COMMON NAME
	FOUNDATION SHRUB	
	FOREGROUND SHRUB	
	ACCENT SHRUB	
	FREMONTODENDRON CALIFORNICUM	CALIFORNIA FLANNEL BUSH
	HETEROMELES ARBUTIFOLIA	TOYON
	WOODWARDIA FIMBRIATA	GIANT CHAIN FERN

SHRUB AREA	BOTANICAL NAME	COMMON NAME
	COMMON AREA PLANTING - HOA MAINTAINED	
	ACHILLEA MILLEFOLIUM	COMMON YARROW
	ARCTOSTAPHYLOS SPP.	MANZANITA
	ENCELIA CALIFORNICA	CALIFORNIA ENCELIA
	EPILOBIUM CANUM	CALIFORNIA FUCHSIA
	MIMULUS AURANTIACUS	STICKY MONKEYFLOWER
	RIBES SPECIOSUM	FUCHSIA FLOWERING GOOSEBERRY
	ROSA CALIFORNICA	CALIFORNIA WILD ROSE
	SALVIA CLEVELANDII	CLEVELAND SAGE
	SALVIA MELLIFERA	BLACK SAGE
	RIBES SPECIOSUM	FUCHSIA FLOWERING GOOSEBERRY
	ROSA CALIFORNICA	CALIFORNIA WILD ROSE
	SALVIA CLEVELANDII	CLEVELAND SAGE
	SALVIA MELLIFERA	BLACK SAGE
	RHUS INTEGRIFOLIA	LEMONADE BERRY

	RESIDENTIAL PLANTING - HOA MAINTAINED	
	ACHILLEA MILLEFOLIUM	COMMON YARROW
	AMORPHA FRUTICOSA	FALSE INDIGO
	ARCTOSTAPHYLOS MARITIMA	SEA MANZANITA
	ENCELIA CALIFORNICA	CALIFORNIA ENCELIA
	LUPINUS ARCTICUS	LUPINE
	MIMULUS AURANTIACUS	STICKY MONKEYFLOWER
	MIMULUS CARDINALIS	SCARLET MONKEY FLOWER
	ROSA CALIFORNICA	CALIFORNIA WILD ROSE
	SALVIA CLEVELANDII	CLEVELAND SAGE
	SALVIA MELLIFERA	BLACK SAGE
	SISYRINCHIUM BELLUM	BLUE EYED GRASS

	BMP PLANTING - HOA MAINTAINED	
	ACHILLEA MILLEFOLIUM	COMMON YARROW
	BACCHARIS DOUGLASII	MARSH BACCHARIS
	CAREX PRAEGRACILIS	SLENDER SEDGE
	CAREX SPISSA	SAN DIEGO SEDGE
	CAREX TUMULICOLA	BROWN SEDGE
	FESTUCA CALIFORNICA	CALIFORNIA FESCUE
	FESTUCA RUBRA	RED FESCUE
	JUNCUS MEXICANUS	MEXICAN RUSH
	JUNCUS PATENS	CALIFORNIA GRAY RUSH
	LEYMUS CONDENSATUS 'CANYON PRINCE'	NATIVE BLUE RYE
	MUHLENBERGIA RIGENS	DEER GRASS
	RIBES SPECIOSUM	FUCHSIA FLOWERING GOOSEBERRY

	TURF GRASS - HOA MAINTAINED	
	STENOTAPHRUM SECUNDATUM 'DEL MAR'	DEL MAR ST. AUGUSTINE GRASS

	SLOPE PLANTING - OWNER MAINTAINED	
	ARCTOSTAPHYLOS UVA-URSI 'POINT REYES'	POINT REYES KINNIKINNICK
	ARCTOSTAPHYLOS X 'EMERALD CARPET'	EMERALD CARPET MANZANITA
	BACCHARIS PILULARIS 'TWIN PEAKS'	TWIN PEAKS COYOTE BRUSH

PLANT HEIGHT NOTE:

SHRUBS, FLOWERS, PLANTS, OR HEDGES NOT MORE THAN FORTY-TWO (42) INCHES IN HEIGHT ARE PERMITTED IN THE REQUIRED FRONT AND SIDE STREET SIDE YARDS.

LANDSCAPING REQUIREMENTS

ALL OPEN AREAS WITH THE EXCEPTION OF VEHICULAR ACCESSWAYS AND PARKING AREAS, PEDESTRIAN WALKWAYS, AND RECREATIONAL FACILITIES SHALL BE LANDSCAPED. A MINIMUM OF SIXTY (60) PERCENT LANDSCAPING SHALL BE PROVIDED WITHIN THE REQUIRED FRONT AND SIDE YARD SETBACK AREAS, RESPECTIVELY. ALL LANDSCAPED AREAS SHALL HAVE A PERMANENT IRRIGATION SYSTEM PROVIDING ONE HUNDRED (100) PERCENT COVERAGE.

URBAN FORESTRY PROGRAM REQUIREMENTS

1 ACRE OR MORE=
MINIMUM TREE CANOPY = 12% TOTAL SITE AREA
MINIMUM PERMEABLE SURFACE AREA = 22% TOTAL SITE AREA

URBAN FORESTRY PROGRAM TABULATIONS

TOTAL SITE AREA = 316,904 SQUARE FEET (7.27 ACRES)
TREE CANOPY REQUIRED: 38,028 Sq. Ft.
TREE CANOPY PROVIDED ON-SITE: 74,484 Sq. Ft.

PERMEABLE SURFACE AREA REQUIRED: 69,719 Sq. Ft.
PERMEABLE SURFACE AREA PROVIDED: 84,420 Sq. Ft.

GENERAL NOTE:

1. FINAL LANDSCAPE PLANS SHALL ACCURATELY SHOW PLACEMENT OF TREES, SHRUBS, AND GROUNDCOVERS.
2. LANDSCAPE ARCHITECT SHALL VERIFY UTILITY, SEWER, STORM DRAIN EASEMENT AND PLACE PLANTING LOCATIONS ACCORDINGLY TO MEET CITY OF OCEANSIDE REQUIREMENTS.
3. ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED PER CITY OF OCEANSIDE REQUIREMENTS.

IRRIGATION NOTE:

AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO PROVIDE COVERAGE FOR ALL PLANTING AREAS SHOWN ON THE PLAN. LOW PRECIPITATION EQUIPMENT SHALL PROVIDE SUFFICIENT WATER FOR PLANT GROWTH WITH A MINIMUM WATER LOSS DUE TO WATER RUNOFF. IRRIGATION SYSTEMS SHALL USE HIGH QUALITY, AUTOMATIC CONTROL VALVES, CONTROLLERS AND OTHER NECESSARY IRRIGATION EQUIPMENT. ALL COMPONENTS SHALL BE OF NON-CORROSIVE MATERIAL. ALL DRIP SYSTEMS SHALL BE ADEQUATELY FILTERED AND REGULATED PER THE MANUFACTURER'S RECOMMENDED DESIGN PARAMETERS. ALL IRRIGATION IMPROVEMENTS SHALL FOLLOW THE CITY OF OCEANSIDE GUIDELINES AND WATER CONSERVATION ORDINANCE.

PLANTING NOTE:

THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL, AESTHETIC, AND MAINTENANCE CONSIDERATIONS. 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. GROUND COVERS OR BARK MULCH SHALL FILL IN BETWEEN THE SHRUBS TO SHIELD THE SOIL FROM THE SUN, EVAPOTRANSPORATION 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 THE SHRUBS SHALL BE ALLOWED TO GROW IN THEIR NATURAL FORMS. ALL LANDSCAPE IMPROVEMENTS SHALL FOLLOW THE CITY OF OCEANSIDE GUIDELINES. ALL STREET TREES SHALL COMPLY WITH THE CITY OF OCEANSIDE STREET TREE STANDARD 211A AND ARE TO BE 24" BOX SIZE MINIMUM.

MAINTENANCE REQUIREMENTS:

1. PERMANENTLY IRRIGATED SLOPES SHALL BE MAINTAINED FOR A PERIOD NO LESS THAN 90 DAYS.
2. NON-PERMANENTLY IRRIGATED AREAS SHALL BE MAINTAINED FOR A PERIOD NOT LESS THAN 25 MONTHS.
3. ALL REVEGETATED AREAS SHALL BE MAINTAINED FOR A PERIOD NO LESS THAN 90 DAYS.

LONGTERM MAINTENANCE:

ALL REQUIRED LANDSCAPE AREAS TO BE MAINTAINED BY OWNER. THE LANDSCAPED AREAS SHALL BE MAINTAINED FREE OFF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. LANDSCAPE AS PART OF THE PROJECT SHALL BE MAINTAINED AND IRRIGATED FOR THE LIFE OF THE PERMIT.

STREET TREES AND OTHER TREES SHALL BE SPACED:

1. 9 FEET (PREVIOUSLY 5 FEET) FROM TRANSFORMERS, CABLE, AND PULL BOXES.
2. 5 FEET FROM MAILBOXES
3. 5 FEET FROM FIRE HYDRANTS (ALL SIDES)
4. 10 FEET FROM CENTERLINE (PREVIOUSLY 7 FEET) OF ALL UTILITY LINES (WITHOUT EASEMENT) (SEWER, WATER, STORM DRAINS, DOUBLE CHECK DETECTORS, AIR RELIEF VALVES AND GAS)
5. 10 FEET FROM EASEMENT BOUNDARIES (SEWER, WATER, STORM DRAINS, ACCESS OR OTHER UTILITIES)
6. 10 FEET FROM DRIVEWAYS (UNLESS A LINE OF SIGHT IS DETERMINED BY THE TRAFFIC ENGINEER TO BE OTHERWISE)
7. 10 FEET FROM TRAFFIC AND DIRECTIONAL SIGNS
8. 15 FEET (MINIMUM) FROM STREET LIGHTS, OTHER UTILITY POLES, (DETERMINED BY SPECIFICATIONS)
9. STREET TREES SHALL BE PLANTED 3' OUTSIDE RIGHT-OF-WAY IF THE RIGHT-OF-WAY DOES NOT ALLOW SPACE, SUBJECT TO THE CITY ENGINEER'S APPROVAL.
10. LINE OF SIGHT AT ARTERIALS, COLLECTOR AND LOCAL STREETS SHALL BE REVIEWED AND DETERMINED BY TRAFFIC ENGINEER. A MINIMUM OF TWENTY-FIVE FEET (25') FROM STREET INTERSECTION OR AS APPROVED BY THE TRAFFIC ENGINEER.
11. MINIMUM FIFTEEN FEET (15') STREET LIGHT AND STOP SIGN OR CLEARANCE DETERMINED BY SPECIFICATIONS.
12. SCREEN ALL UTILITIES ACCORDING TO SPECIFIC AGENCY REQUIREMENTS.

FIRE NOTES:

1. LANDSCAPE IMPROVEMENT PLAN SET AND INSTALLATION ARE REQUIRED TO IMPLEMENT APPROVED FIRE DEPT. REGULATIONS, CODES, AND STANDARDS AT THE TIME OF PROJECT APPROVAL.
2. ALL FIRE HYDRANTS, DOUBLE CHECK DETECTORS, POST INDICATING VALVES, AND FIRE DEPARTMENT CONNECTIONS SHALL BE PROVIDED WITH AS-FOOT CLEARANCE AROUND ALL FIRE APPARATUSES
3. ALL TREES AT MATURITY SHALL MEET A HORIZONTAL CLEARANCE ALONG ALL ROADWAYS FROM CURB TO CURB. HORIZONTAL ROADWAY CLEARANCE FOR A ONE-STORY BUILDING IS 28-FEET WIDE.
4. ALL TREES AT MATURITY SHALL MEET A VERTICAL CLEARANCE OF 14 FEET FROM THE TOP OF THE ROADWAY TO THE LOWEST BRANCHES.

SOURCE: Omega Engineering 2020

FIGURE 3-2

Landscaping Plan Map

Cypress Point Project Environmental Impact Report

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SOURCE: Omega Engineering 2020

DUDEK

FIGURE 3-3

Project Rendering

Cypress Point Project Environmental Impact Report

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CHAPTER 4
ENVIRONMENTAL ANALYSIS

4.1 AESTHETICS

This section describes the existing visual conditions, identifies associated regulatory requirements, evaluates potential impacts related to aesthetics, and establishes mitigation measures related to implementation of the Cypress Point project (proposed project).

4.1.1 Existing Conditions

Regional Setting

San Diego County encompasses 4,261 square miles and is characterized by varied topography including ocean, lagoons, mountains, and desert (County of San Diego 2011). The western side of the county is bordered by the Pacific Ocean and is primarily urban while the eastern side is composed of mountains, desert, and undeveloped backcountry.

The project site is located in Northern San Diego County, within the City of Oceanside (City). The City is located in the coastal zone of northern San Diego County. The City encompasses approximately 42 square miles and is bounded by the Pacific Ocean to the west, Camp Pendleton to the north, the City of Vista and County of San Diego to the east, and the City of Carlsbad to the south. The city has approximately 4 miles of shoreline, including a public marina, a 2,000-foot pier, and public beaches (City of Oceanside 2021). Most of the city is developed, with eastern Oceanside characterized by single-family houses on curving streets and cul-de-sacs, intermixed with canyon and hillside open spaces. Park, commercial, and institutional (schools and churches) uses occur within and around the residential uses.

More specifically, the project site is located in the San Luis Rey River Valley area of the City. The San Luis Rey River meanders through the City of Oceanside to the coast. The San Luis Rey River is partially natural, and partially developed with the San Luis Rey River Trail running parallel to the river. The river sits within a valley, with residential development overlooking the river on hillsides.

Project Setting

The 7.3-acre rectangular shaped project site is a vacant, undeveloped parcel, located in the north central portion of the City (refer to Figure 2-1, Project Location, in Chapter 2 of this EIR). State Route 76 is approximately 1 mile to the south of the project site, and the site is located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersections. The site is bordered on the north and west by the San Luis Rey River, and by existing residential developments on the south and east. A portion in the northwest corner of the site has been left undeveloped as a part of the

City of Oceanside's Draft Subarea Plan hardline preserve and to accommodate the existing San Luis Rey Trail located on the property.

The project site is heavily disturbed, vacant land (as shown in Chapter 2, Figure 2-2, Project Site). The adjacent neighborhoods to the east and south currently use the project site as an extension of the adjacent open space to the west. The site is currently used for passive recreational use and dog walking and is used by the adjacent neighborhood to access the San Luis Rey River corridor and associated trail. In addition, two roadway conveyance swales occur within the project site. The project site ranges in elevations from approximately 38 to 58 feet above mean sea level. Four vegetation/habitat types were identified within the project biological study area that includes the project property parcel, proposed off-site project elements, and a 25-foot habitat mapping buffer. These four vegetation/habitat types include southern willow scrub, non-native grassland, disturbed habitat and urban/developed land (please refer to Table 4.3-2 in Chapter 4.3 of this EIR for a detailed description of vegetation communities in the study area).

Surrounding land uses and elements that form the visual environment in the project area are described as follows.

North: The San Luis Rey River corridor and associated trail abut the northern boundary of the project site. The San Luis Rey River corridor includes a native habitat conservation area and a two-way asphalt bicycle path. Just beyond the San Luis Rey River to the north is Whelan Lake.

South: Immediately south of the project site is an easement area where the extension of Pala Road is proposed. Beyond this easement area are single-family, single-story residences along Hunter Street. The backyards of these residents along Hunter Street would face the project site.

East: The project site abuts existing single-family, single-story, homes to the east, along Los Arbolitos Boulevard. The backyards of these residents along Los Arbolitos Boulevard would face the project site. Additionally, at the mid-point of the project's eastern boundary is the dead end of Aspen Street which connects to Los Arbolitos Boulevard.

West: Designated open space area owned by the City is located between the project's western boundary and the San Luis Rey River Trail. Similar to the project site, this open space area has been previously heavily disturbed and is regularly used by residents in adjacent neighborhoods to the east and south of the project site. Beyond the open space area and San Luis Rey River corridor to the west is a single-family residential neighborhood along Rivertree Drive made up of single-story and two-story homes.

Scenic Vistas

The City of Oceanside General Plan (City of Oceanside 1986) identified natural scenic open space as a valuable scenic resource that contributes to the visual landscape and should be preserved. Such resources include the Pacific Ocean, Buena Vista Lagoon, and the San Luis Rey River. Relative to the project site, the Pacific Ocean is approximately 4 miles west, the Buena Vista Lagoon is approximately 4 miles southwest, and the San Luis Rey River is directly to the north and west of the project site.

Near the project site, the San Luis Rey River is visible from the San Luis Rey River Trail, private homes abutting the river, Rivertree Drive, and from the project site itself.

Scenic Routes

California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from change, which would diminish the aesthetic value of lands adjacent to highways. A highway may be designated "scenic" depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. The agency must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in various portions of local codes. These ordinances make up the scenic protection program (Caltrans 2011).

According to the California Department of Transportation Scenic Highway Mapping System, the project site is not located adjacent to, or in the vicinity of, a designated state scenic highway (Caltrans 2018). The nearest officially designated state scenic highway, State Route (SR) 52 as it travels adjacent to Mission Trails Regional Park (approximately Santo Road in San Diego to Mast Boulevard in Santee) is located approximately 31 miles to the south of the project site. Interstate (I) 5, approximately 3 miles to the west of the project site, and State Highway 76, approximately 1 mile to the south of the project site, are the nearest eligible state scenic highways to the project site (Caltrans 2018). Due to distance and intervening terrain, the project site is not visible from I-5, State Highway 76, or any other state scenic highway in San Diego County.

Light and Glare

The project site does not currently support any existing sources of light or glare as it is undeveloped. Existing sources of light and glare in the project area are generated from the surrounding residential uses to the east and south from streetlights, exterior mounted lighting on building facades, landscape lighting, and soft lighting coming through from interior spaces. There are no existing sources of light or glare from the San Luis Rey River abutting the project site to

the north and west, however, typical residential light sources in the residential neighborhood to the west of the Project site and San Luis Rey River atop sloping terrain on Rivertree Drive may be visible from the project site.

4.1.2 Methods of Visual Resource Analysis

Visual Character

The descriptive attributes of a landscape (including natural and man-made features) contribute to the visual character of an area or a view. Influenced by geologic, hydrologic, botanical, and recreational features, as well as by roads, structures, utilities, and other urban features, the perception of visual character can vary according to season and time of day as the elements that compose the viewshed (i.e., weather, light, and shadow) fluctuate over time and work to either obscure or highlight particular features. The fundamental pattern elements used to describe visual character are form (i.e., bulk, mass, size, and shape), line, color, and texture, and the appearance of a landscape is often described according to the dominance of these elements. For example, the geometric lines and vertical forms of an urban setting can dominate the visual landscape and produce very little contrast in terms of color and texture. On the other hand, a natural setting composed of rolling hills; rough-textured vegetation; flat, rolling, and rugged forms; and earth-tone colors could contribute to a visual character in which none of the pattern elements is particularly dominant. However, in the absence of viewer response to change in the environment, neither landscape is considered to have a greater or higher-quality visual character.

Visual Quality

Visual quality is evaluated according to the vividness, intactness, and unity present in the viewshed as it relates to public judgment/viewer sensitivity. The three criteria used to evaluate visual quality are defined as follows:

- ***Vividness*** is the visual power or memorability of landscape components as they combine in distinctive visual patterns.
- ***Intactness*** is the visual integrity of the natural and built landscape and its freedom from encroaching elements. Intactness can be present in developed urban and rural landscapes, as well as in natural settings.
- ***Unity*** is the visual coherence and compositional harmony of the landscape considered as a whole. Unity frequently attests to the careful design of individual built components in the landscape.

While high-quality views are highly vivid, mostly intact, and highly coherent and visually continuous, low-quality views are not particularly memorable and contain numerous contrasting and encroaching elements that contribute to weak visual unity.

Viewer Response

Viewer response is composed of three elements: viewer sensitivity, viewer exposure and viewer volume. These elements combine to form a method of predicting how the viewers might react to visual changes brought about by a project. The concepts of viewer sensitivity and viewer exposure are described below.

Viewer Sensitivity

Visual sensitivity is described in qualitative terms of high, medium, or low and is based on the number of users and attitudes toward changes to the visual environment. Factors considered include the number and types of viewers potentially affected, viewing distances, and documented public concerns about visual changes. Viewer sensitivity is rated in terms of low, medium, and high.

Existing viewers of the project site primarily consist of surrounding residents of the adjacent residential developments to the east and south, as well as recreationalists along the San Luis Rey River Trail that runs along the western and northern boundary of the project site. As described above, due to distance and intervening terrain, the project site is not visible from State Highway 76, or any other state scenic highway in San Diego County. Residents in neighborhoods located east and south of the project area are considered to have a high sensitivity to changes in the visual environment, as their views of the proposed project would be direct and permanent.

Viewer Exposure

The elements of viewer exposure help to define viewer perceptions resulting from a dynamic experience with the landscape and related visual resources. Viewer exposure varies depending on the angle of view (i.e., normal, inferior, or superior viewing angles), view distance (foreground, middleground, and background), relationship to sun angle (backlighting versus front or side lighting), the extent of visibility (i.e., whether views are panoramic or limited by vegetation, topography, or other land uses), and viewer screening conditions (e.g., whether the project facilities would be skylined on ridgelines, backscreened by topography and/or vegetation, or screened by structures or vegetation in the foreground). Viewer exposure also considers the duration of view based on viewer activity (e.g., travel, residential use, recreation) and often relates to speed of travel (pedestrian, vehicular, or stationary). Viewer exposure is considered long term for residents, short term for travelers along roadways, and moderate for users of public trails.

Viewer Volume

Viewer volume is the number of potential viewers from any given point. Viewer volume can be defined by the average daily traffic on a roadway, the number of residents in a development, consumers at a large commercial center, or the users of a recreational area. Although viewer volume does not directly translate to viewer sensitivity and viewer exposure, it can influence these factors by taking into consideration the number of potential viewers at a given observation point.

Key Observation Point Locations

The location of key observation points (KOPs) from which to assess the anticipated aesthetic impacts of the proposed project were identified by the project applicant in coordination with the City of Oceanside. To accurately reflect the various viewer groups that would be afforded views of the proposed project, KOPs consider multiple viewer groups in the surrounding area, including nearby residents, users of the open space area to the west of the project site, and recreationalists on the San Luis Rey River Trail. All KOPs are from public vantage points and consider multiple viewing angles and distances. Three KOPs were selected from which to depict the anticipated visual changes to the landscape resulting from implementation of the proposed project.

Figure 4.1-1 shows the location of the KOPs in the project area. A listing of the KOPs and a brief discussion regarding the general location, view orientation, and viewer groups associated with each KOP is provided herein. In addition, this section describes the visual character and quality of each of the selected observation points.

Key Observation Point 1 – End of Aspen Street looking west towards the project site

Location and Orientation

KOP 1 is located at the dead end of Aspen Street, off of Los Arbolitos Boulevard (Figure 4.1-2). From KOP 1, the viewer looks directly across the middle of the project site to the west.

Visual Character

The foreground and middle ground of this view consists of a dirt path and low form of non-native grasses on-site. The berm that makes up the San Luis Rey River trail bike path blocks any views of the San Luis Rey River. The background of this KOP is made up of an ascending hill developed with single family residences on Rivertree Drive and scattered with dark green trees atop of the hill. An existing overhead utility line runs from the far left of the background in this KOP, up over the hill and continues north. One cannot see beyond the hill in the background of this KOP.

Visual Quality

The vividness of the KOP 1 landscape is moderately low, as the juxtaposition of urban and natural elements in the visual landscape is commonplace for viewers in this neighborhood. In addition, the elements visible in the landscape are not particularly memorable and the urban and natural elements do not create overly distinct and striking visual patterns. With the exception of the transmission line structures, the scale of elements within the landscape is relatively consistent and unobtrusive. Therefore, intactness is considered to be moderate. Lastly, the visible landscape is considered to have moderate visual unity. While the asphalt surface of the foreground contrasts with the green-tan color of the patchy vegetation on-site in the middle ground of this KOP, the overall visual pattern is relatively coherent. The inclusion of vegetation softens the prominence of urban features in the background landscape, and the limited number of skylined structures maintains the overall integrity of the expansive sky, which contributes to the overall visual quality.

Viewer Response

Sensitive viewers associated with KOP 1 is representative of residents along Los Arbolitos Boulevard, specifically those who's backyards face west towards the project site. Pedestrians and motorists on Los Arbolitos Boulevard at the Aspen Street arm are also afforded this view. Because there are only a select number of residences, pedestrians, and motorists on Los Arbolitos Boulevard that would be subject to these direct views, the viewer volume is considered to be low. However, due to the close proximity and vacant flat state of the project site, view exposure and sensitivity for private residents, pedestrians and motorists from this KOP is anticipated to be high.

Key Observation Point 2 – Southwest corner of the project site looking east towards the existing end of Pala Road

Location and Orientation

KOP 2 is located adjacent to the southwestern corner of the project site, which is the southeastern corner of the adjacent designated open space area to the west of the project site (Figure 4.1-3). The view from this KOP looks east across the southern boundary of the project site, towards the existing dead end of Pala Road, and the backyard fence line of residences on Los Arbolitos Boulevard just north of the Pala Road dead end, and those residences on Hunter Street immediately south of the Pala Road dead end.

Visual Character

The foreground of KOP 2 consists of a dirt path cleared by pedestrian use. This dirt path runs east towards the dead end of Pala Road, across the southern boundary of the project site. Areas in the foreground and middle ground on either side of the dirt path consist of flat topography

sparsely covered with green and dried low-lying grasses and weeds. In the far middle ground of this KOP, one can see the rooftops of the single-story residences to the south and east of the project site, past the back yard fence lines of these residences. The rooftops vary in color from brick red, tan and gray. Additionally, one can see indirect distant views of the white fencing that blocks off the end of Pala Road. Beyond the rooftops of residences in the middle ground, the background of this KOP is made up of scattered tall dark green trees varying in species. No views are afforded beyond the tree line.

Visual Quality

The visual quality from this KOP is considered low. The vegetation composing majority of the view consists of sparse non-native grasses and is broken up by dirt paths. Visual intactness is similarly low. From the view afforded to pedestrians at KOP 2, one can tell the entirety of the foreground and middle ground is heavily disturbed, and the rooftops of residences in the far middle ground creates a slight contrast in color and texture with the surrounding vegetation. Lastly, although the view from KOP 2 is expansive and provides opportunity for wide, long views, the view is not overly striking, and visual elements in the landscape are generally muted. Therefore, the vividness of KOP 2 is considered low.

Viewer Response

KOP 2 viewers would exclusively consist of pedestrians accessing the open space area west of the project site, either coming from the path that continues south, the path continuing north of the project site, the path cut along the southern boundary of the project site from Pala Road, or the path cut from the San Luis Rey River Trail immediately west of this KOP. Due to the location of this KOP, there is not heavy public usage of these paths, and the viewer volume is considered low. Viewer exposure is also considered low due to the lack of views beyond the project site, and due to the lack of memorable views and viewer volume from this KOP, visual sensitivity is similarly considered to be low.

Key Observation Point 3 – From the San Luis Rey River Trail looking northeast

Location and Orientation

KOP 3 is located on the San Luis Rey River Trail looking northeast across the flat topography of the designated open space area and project site (Figure 4.1-4). From this KOP, the viewer can see majority of the project site, with the exception of the southern-most portion of the project site.

Visual Character

The foreground views from KOP 3 consist of the flat topography of the San Luis Rey River Trail, which sits on a berm and gently slopes downward to the east to meet a storm drain culvert prior to connecting to the designated open space area west of the project site. The topography of the previously disturbed open space area and project site is generally flat, covered in low-lying non-native grasses and weeds, as well as pedestrian dirt paths. To the far left of this KOP (to the west), one can see length of the San Luis Rey River trail that runs directly adjacent to the project sites western boundary, prior to wrapping around the northern portion of the project site. The San Luis Rey River trail is paved and striped to designate the north and southbound lane. Gravel lines either side of the bike trail, and past the graveled area to the west, thick vegetation separates the trail from the San Luis Rey River. Due to the existing vegetation, views of the San Luis Rey River are not available from this KOP. In the middle ground beyond the project site's eastern boundary, one can see the backyard fence line and rooftops of the residences along the western side of Los Arbolitos Boulevard. As described previously, the rooftops of these single-story residences vary in neutral colors. Other homes in this neighborhood are not visible from this KOP past the rooftops of the homes on the west side of Los Arbolitos, only tall standing trees. In the background of this KOP, one can see the low profile of the gently rolling, sparsely vegetated hills. The visual height of these hills extends just above the middle ground topography before meeting the skyline.

Visual Quality

The unity of KOP 3 is moderately low. The juxtaposition of natural vegetation adjacent to San Luis Rey River, the gravel and asphalt trail, and the heavily disturbed, flat and sparsely vegetated open space and project site weaken the overall integrity of the visual pattern. The forms of natural and urban visual elements tend to contrast with one another, and encroaching features (storm drain culvert, and no trespassing signage) are visible from KOP 3. Vividness is also moderately low as the mix of urban land uses adjacent to the natural vegetation associated with the river is commonplace along the San Luis Rey corridor. Also, while the horizon is low and there are views of distant undeveloped hillsides, there is a lack of distinguishing/striking visual elements in the middleground or background viewing distance that would make this view particularly memorable. Finally, the intactness of KOP 3 is similarly considered to be low due to the varying natural, disturbed and developed land cover across this view.

Viewer Response

Viewers of KOP 3 would exclusively consist of bikers and recreationalists along the San Luis Rey River bike trail, traveling north. Given the specific location and audience of KOP 3, viewer volume is anticipated to be low, and these viewers would have low exposure (views would be brief) and low sensitivity to the surrounding visual environment described above.

4.1.3 Regulatory Setting

State

California Scenic Highway Program

California's Scenic Highway Program was created by the state legislature in 1963. This program's purpose is to "preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways" (Caltrans 2011). The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. The California Scenic Highway System includes a list of highways that are officially designated as scenic highways or eligible for designation as scenic highways.

Local

City of Oceanside General Plan

The City's General Plan Land Use Element outlines goals and policies related to aesthetics, including providing site design visually compatible with the surrounding open space environment when adjacent to scenic or recreational areas. Table 4.10-1 in Chapter 4.10 of this EIR outlines the project's consistency with goals and policies of the City's General Plan Elements. The Environmental Resource Management Element (City of Oceanside 2002) provides the following table listing visual open space resources:

Table 4.1-1
Visual Open Space

Visual Resource	
Pacific Ocean	Cemetery
MCB Camp Pendleton	Utility Easement
San Luis Rey River	Buena Vista Lagoon
Mission San Luis Rey	Hosp Grove
Rosicrucian Fellowship	St. Charles Priory (Prince/Peace Abbey)

Source: City of Oceanside 2002.

City of Oceanside Municipal Code - Chapter 39 Light Pollution Regulations

Chapter 39 of the City of Oceanside Municipal Code restricts the permitted use of certain light fixtures that emit undesirable light rays into the night sky (City of Oceanside 1991). This section of the municipal code regulates the usage of lighting intended for general illumination (Class II lighting) and the usage of decorative lighting, including building façade and landscape lighting (Class III lighting). For general illumination of parking lots, roadways, and security, low-pressure sodium lights are permitted as are other lights of 4050 lumens or less (similar lamp types are permitted for Class III (decorative) lighting). For all use types, permitted lighting shall be fully shielded where feasible and partially shielded in all other cases, and shall be focused to minimize light that would affect the night

sky. Lastly, as stated in Section 39.8(c), all Class II lighting may remain illuminated all night and pursuant to Section 39.8(d), all Class III lighting shall be off between 11:00 p.m. and sunrise.

4.1.4 Thresholds of Significance

The significance criteria used to evaluate the project impacts to aesthetics are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to aesthetics would occur if the proposed project would:

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
3. Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.1.5 Impacts Analysis

Would the project have a substantial adverse effect on a scenic vista?

Of the visual resources listed above in Table 4.1-1, the San Luis Rey River corridor is the only visual open space scenic resource adjacent to the project site. The project site is not located within the public viewshed of the other identified visual open space areas in the City. Due to the heavy vegetation along the San Luis Rey River bank just west of the elevated bike trail, as well as the intervening undeveloped project site and designated open space area, existing views of the River corridor are not available to residents to the east or south of the project site. Please refer to Figures 4.1-2 and 4.1-4 which show existing public views both east and west of the project site towards the river corridor. Therefore, implementation of the project would not block any existing views of the River. Indirect and direct views of the river are mainly accessible from the river trail, and the proposed project would not prohibit any existing designated public access to the trail. As outlined in Table 4.10-1 in Chapter 4.10 of this EIR, project implementation would not conflict with any of the City's General Plan policies or goals, including designated visual open space resources listed in the Environmental Resource Management Element. Therefore, per the City's General Plan, impacts to a scenic vista is determined to be **less than significant**.

Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

As described in Section 4.1.1 above, the project site is not located adjacent to, or in the vicinity of, a designated state scenic highway (Caltrans 2018). The nearest officially designated state scenic highway, State Route (SR) 52 as it travels adjacent to Mission Trails Regional Park (approximately Santo Road in San Diego to Mast Boulevard in Santee) is located approximately 31 miles to the south of the project site. Interstate (I) 5, approximately 3 miles to the west of the project site, and State Highway 76, approximately 1 mile to the south of the project site, are the nearest eligible state scenic highways to the project site (Caltrans 2018). Due to distance and intervening terrain, the project site is not visible from I-5, State Highway 76, or any other state scenic highway in San Diego County. Additionally, the project site is undeveloped and has been previously disturbed, and does not include any trees, rock outcroppings, or historic buildings on-site, in proposed improvement areas, or within the biological study area. Therefore, the project would not substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, and **no impacts** would occur.

In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Although the project site sits on the edge of the San Luis Rey River corridor and designated open space area, the proposed project site is considered to be located in an urbanized area of the City, as it is adjacent to existing neighborhoods and within close proximity to existing commercial retail areas, schools, parks, and major roadways, and would be adequately serviced by existing public services and utilities. Therefore, as the project site is located in an urbanized area, the analysis of degradation of existing visual character and quality of public views of the site and its surroundings is not required per this threshold. However, for informational purposes, three public view KOPs were reviewed to consider existing views from publicly accessible vantage points, and potential impacts to these views as a result of project implementation, as outlined in Section 4.1.1.1 above. As described in Section 4.1.1.1, existing views from the three KOPs were not considered to have high visual character or quality due to the lack of memorable features and flat topography, heavily disturbed project site and adjacent open space area, and the lack of available views of the San Luis Rey River due to existing vegetation and topography. Implementation of the project would result in substantial visual changes to the project site however, as it would develop a currently vacant site into a 54-unit two-story single-family community. Expected visual changes from the three KOPs as a result of project development is discussed below.

Key Observation Point 1 – End of Aspen Street looking west towards the project site

As described in Section 4.1.1.1, KOP 1 is located at the dead end of Aspen Street, off of Los Arbolitos Boulevard (Figure 4.1-2). From the existing view at KOP 1, the viewer looks directly across the middle of the project site to the west, and is afforded views of the disturbed project site and designated open space area, the berm that makes up the San Luis Rey River trail bike path, and in the background an ascending hill developed with single family residences on Rivertree Drive, west of the San Luis Rey River corridor. Heavy vegetation along the eastern San Luis Rey River bank blocks any views of the river from this KOP. As mentioned above, this public view point would be representative of residents, pedestrians and motorists in the adjacent neighborhood. Upon project implementation, the viewer from this KOP would look through a proposed private gate into the project development. Direct views of the proposed private open space and passive recreational area located in the middle of the proposed development would be immediately available from this KOP. The front yards of some of the eastern facing proposed residences would also be visible from this KOP (please refer to Figure 3-3, Project Rendering, in Chapter 3 of this EIR). Although the proposed homes on-site would be two-story, which would differ from the existing single-family homes along the project's eastern and southern boundary, there are scattered two-story homes in the surrounding neighborhoods on Cypress Road, slightly further east off of Pala Road and Rio Vista Drive, and west of the San Luis Rey River corridor on Rivertree Drive. Implementation of the project would shield views of the open space area, the bike trail, and the developed hillside in the background from this KOP; however, there are no afforded views beyond these features that are considered to have high visual character and quality. Therefore, implementation of the project is not expected to substantially degrade views from this KOP, and development of the project would be consistent with the surrounding residential neighborhoods.

Key Observation Point 2 – Southwest corner of the project site looking east towards the existing end of Pala Road

As described in Section 4.1.1.1, KOP 2 is located adjacent to the southwestern corner of the project site, which is the southeastern corner of the adjacent designated open space area to the west of the project site (Figure 4.1-3). The view from this KOP looks east across the southern boundary of the project site, towards the existing dead end of Pala Road, and the backyard fence line of residences on Los Arbolitos Boulevard just north of the Pala Road dead end, and those residences on Hunter Street immediately south of the Pala Road dead end. From the existing view at KOP 2, the viewer is afforded unobstructed views of the southern portion of the project site which consists of a dirt path cleared by pedestrian use and non-native grasses and weeds. One can also see the rooftops of the single-story residences to the south and east of the project site, past the back yard fence lines of these residences. Beyond the rooftops of residences in the middle ground, the background of this KOP is made up of scattered tall dark green trees varying in species. No views are afforded beyond the tree line. This view is representative of pedestrians and recreationalists utilizing the

path that runs through the existing designated open space area west of the project site. With project implementation, views from this KOP would substantially change, as Pala Road would be extended to this point to serve as primary access to the project site. The viewer would see the landscaped areas and entrance along the southern boundary of the project site and would no longer see the rooftops of the homes along Los Arbolitos Boulevard. However, the view of rooftops of homes along Hunter Street would remain unobstructed. Past the project fence line, one would be able to see the second story of proposed homes in the southern portion of the project site. As there are no existing high-quality views afforded from this KOP, implementation of the project is not expected to substantially degrade the view from this KOP, and development of the project would be consistent with the surrounding residential neighborhoods in the area.

Key Observation Point 3 – From the San Luis Rey River Trail looking northeast

As described in Section 4.1.1.1, KOP 3 is located on the San Luis Rey River Trail looking northeast across the flat topography of the designated open space area and project site (Figure 4.1-4). From this KOP, the viewer can see majority of the project site, with the exception of the southern-most portion of the project site. From the existing view at KOP 3, the viewer is afforded unobstructed views the San Luis Rey River Trail, the designated open space area west of the project site, the northern portion of the project site, and the skyline north beyond the San Luis Rey River corridor. Due to the existing vegetation, views of the San Luis Rey River are not available from this KOP. In the middle ground beyond the project site's eastern boundary, one can see the backyard fence line, rooftops, and tall standing landscaping of the residences along the western side of Los Arbolitos Boulevard. In the background of this KOP, one can see the low profile of the gently rolling, sparsely vegetated hills. The visual height of these hills extends just above the middle ground topography before meeting the skyline. The primary audience from this KOP would be cyclists and recreationalists utilizing the trail. With project implementation, the northwestern view from this KOP would remain unaltered. Project development would not change the view of the San Luis Rey River bike trail, or designated open space area. However, the proposed development would be visible in the middle ground of this KOP looking northeast. Beyond the western fence line of the proposed development, one would be able to see the second story of the proposed homes, and views of the rooftops of the residents on Los Arbolitos Boulevard and beyond would be blocked. Although the tops of gently rolling hills can be seen just beyond the Los Arbolitos resident's roofline, they are not considered prominent features. Additionally, as described above, considering the audience from this KOP, views from this point would be temporary as they move along the trail. As there are no existing high-quality views afforded from this KOP, implementation of the project is not expected to substantially degrade the view from this KOP, and development of the project would be consistent with the surrounding residential neighborhoods in the area.

As the project is considered to be in an urbanized area, project consistency with applicable regulations governing scenic quality is outlined below, to address this threshold.

General Plan

As described in response to Threshold 1 above, of the visual resources listed in the City's General Plan Environmental Resource Management Element (see Table 4.1-1 above), the San Luis Rey River corridor is the only visual open space scenic resource adjacent to the project site. The project site is not located within the public viewshed of the other identified visual open space areas in the City. Due to the heavy vegetation along the San Luis Rey River bank just west of the elevated bike trail, as well as the intervening undeveloped project site and designated open space area, existing views of the River corridor are not available to residents to the east or south of the project site. Therefore, implementation of the project would not block any existing views of the River. Indirect and direct views of the river are mainly accessible from the river trail, and the proposed project would not prohibit any existing designated public access to the trail. As outlined in Table 4.10-1 in Chapter 4.10 of this EIR, project implementation would not conflict with any of the City's General Plan policies or goals related to aesthetics or scenic quality, including designated visual open space resources listed in the Environmental Resource Management Element.

The project would provide a high-quality architectural style inspired by traditional farmhouse styles with patios at the face of each home making the pedestrian entry a focal point, with garages set back in a less prominent location that accommodates a full-size driveway (Figure 3-3, Project Rendering). Three different elevations would be provided for each of the four (4) floorplans, allowing for a variety of facades and a diverse street scene. Proposed building material finishes would include stucco finish, Hardie board vertical siding, decorative rafter tails, vinyl windows, and painted wood beams and shutters. The proposed building height would be a maximum of 25 feet above grade, which is less than the 36-foot zoning code height limit. As described in Chapter 3 of this EIR, the project is requesting a waiver pursuant to Density Bonus law for 5-foot side and corner setbacks, 10-foot rear setbacks, 11.5-foot setbacks from the front of the building façade to the property line perpendicular to the front façade, 6.5-foot setbacks from the porch to the property line, and 20-foot setbacks to the garage. The project design is intended to promote the use of outdoor space and pedestrian usage. Additionally, the proposed homes in the development would be setback from existing residential homes along the eastern project boundary by approximately 70 – 75 feet from structure to structure with 48 feet separation between property lines, in order to provide privacy and visual relief to the existing homes on Los Arbolitos Boulevard.

Proposed landscaping is designed to provide a distinct visual character and enhance the project. The preliminary landscaping plan is shown in Figure 3-2, Landscape Plan, in Chapter 3 of this EIR. The primary entrance at the Pala Road extension would include the addition of street trees and ground level vegetation. Additional landscape opportunities are provided at the southern edge of the project, with three of the four bio-basins on site being located along Pala Road. The entry at Pala Road will be a private gate that will be owned and operated by the HOA for the benefit of the homeowners. The secondary entrance at Aspen Street, serves as an emergency only access to the

existing neighborhood and would be improved through the reconstruction of sidewalks on both sides of the street with street trees between the sidewalk and the existing homes. Homeowners will not be able to access Los Arbolitos from the project site via vehicles. At the northwest corner of the site, existing vegetation along the San Luis Rey would be left undisturbed. A four-foot wall is located on the northwest corner of the private road facing the trail, with a masonry wall above that connects to the masonry perimeter wall for safety and to prohibit human encroachment into the river buffer and the hardline preserve.

There would be a masonry perimeter wall that would prevent access from the developed site towards the trail in order to protect the natural landscape and help minimize light intrusion into the area. Wood fencing would provide privacy around yards, except for some lots along the northern and western boundaries of the project site, which will have retaining walls. These retaining walls are included to accommodate the increased elevation of the site necessary to raise the site out of the floodplain, provide appropriate site drainage, and to accommodate existing and proposed City trunk utility pipes. These walls are 4 to 5-feet high facing open space, the eastern neighbors and the San Luis Rey Trail, and have open tubular steel fencing above where needed for security. All backyard and fenced side yard spaces are private and would be maintained by the homeowner.

A variety of bushes and planting would create a buffer to the existing homes in the area where underground utilities limit the use of trees. Landscaping would be in front of all walls where possible, except along the western boundary where walls are located on the property line. Water conserving landscaping and efficient irrigation design would be utilized, along with consideration of aesthetic and functional requirements for the site. Landscaping adjacent to public rights-of-ways, including the central green space, stormwater basins, and the front yards of residences would be maintained by an HOA.

The proposed project has been designed to protect adjacent open space, appropriately transition into the designated Single Family Detached Residential (SFD-R) land use for the project site, and compliment the surrounding neighborhoods. The project would be consistent with the Single Family Detached Residential (SFD-R) General Plan land use designation and would not require any General Plan Amendments. Final site plans and landscape plans would be subject to review and approval by the City. As the project would not conflict with any General Plan policies or goals related to scenic quality, and the proposed development would be consistent with the designated land use for the site, project implementation would be in compliance with the City's General Plan.

City of Oceanside Zoning Ordinance

The project site is zoned RS-Single family residential, corresponding with the General Plan designation of Single Family Detached Residential (SFD-R). Surrounding areas to the project site are zoned open space (to the north and west of the project site), and a variety of residential zones, including RS (Single-Family Residential District), RM-A (Medium Density A District), RM-B

(Medium Density B District), and RH (High-Density Residential District) in the adjacent neighborhoods (to the east and south of the project site).

Consistent with the City's General Plan and Zoning Ordinance, the proposed project requires certain entitlements be submitted, reviewed, and approved by the City. The requested entitlements include a Tentative Map and a Request for Density Bonus. As the project proposes 8 low-income units, Density Bonus Law requires the City to grant an incentive/concession and unlimited waivers. In order to accommodate the increased density allowed under Density Bonus Law and maintain the single-family lot design and character of the underlying zone, the project cannot physically comply with all of the development standards that apply to standard projects. Based on the proposed design to accommodate Density Bonus units, the project seeks a waiver of development standards for a housing development pursuant to Density Bonus law, including, overall lot size, lot width, setbacks, lot front landscaping requirements, and fences and walls height and plantable retaining walls. A summary of the development standards and required waivers are outlined in Table 3-4 in Chapter 3 of this EIR, to demonstrate compliance with the RS zone, or where Density Bonus waivers are requested. Development standards for the RS Zone is also described in detail in Chapter 4.10, Land Use, of this EIR.

The City would use this EIR and associated documentation in its decision to approve or deny the required discretionary permits. With City approval of the required discretionary permits, the project would not result in any zoning ordinance or general plan conflicts that would lead to significant scenic quality impacts. For these reasons analyzed above, impacts are determined to be **less than significant**.

Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Lighting for the proposed project would be provided throughout the project site, affixed to residential facades, along the pedestrian walkways, and in open space areas. Lighting features would consist of energy-efficient lighting that would be fully shielded and directed downward to minimize light trespass onto surrounding properties. Exterior lighting would be turned off during daylight hours.

The proposed project has the potential to create new light sources in the project area due to the introduction of new housing on a currently vacant site. However, energy-efficient lighting is proposed for interior and exterior use. All outdoor lighting would meet Chapter 39 of the City Municipal Code (light pollution ordinance) and would be shielded appropriately. Street lighting would be provided through lighting on individual homes rather than overhead lighting to reduce lighting impacts to the surrounding open space areas and improve dark sky regulation compliance. Through compliance with the municipal code, proposed outdoor lighting would not substantially

affect day or nighttime views. Additionally, a masonry perimeter wall is proposed that would prevent access from the developed site towards the trail in order to protect the natural landscape and help minimize light intrusion into the area.

The project proposes the use of photovoltaic (solar) panels to increase sustainability within the community and reduce energy requirements of, and energy-related greenhouse gas emissions of the proposed project. Exact solar panel features and locations for the proposed project are to be determined prior to building permit issuance. Although the proposed solar panels have the potential for glare during sunlight hours, solar panels are generally designed to absorb light not reflect it and typically generate glare only at acute angles. The design and location of the solar panels would minimize the potential for glare to nearby neighbors and would not result in glare that would be experienced from any roads.

The project is in a built-up area where night lighting is a common feature. Existing light sources in the area include streetlights, residential exterior and interior lighting from adjacent neighborhoods to the east and south. The project would not create any new sources of substantial light or glare that differ from existing surrounding light sources that would affect day or nighttime views. Additionally, compliance with the City's Municipal Code, and implementation of project design features, which will be required as a condition of project approval, would ensure impacts related to light and glare would be **less than significant**.

4.1.6 Mitigation Measures

Impacts related to aesthetics as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.1.7 Level of Significance After Mitigation

No substantial impacts related to aesthetics were identified; therefore, no mitigation measures are required. Impacts related to aesthetics would be **less than significant**.

SOURCE: SANGIS 2019

DUDEK

0 100 200 Feet

FIGURE 4.1-1

Key Observation Points

Cypress Point Project Environmental Impact Report

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FIGURE 4.1-2

Key Observation Point 1 – End of Aspen Street looking west towards the project site

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FIGURE 4.1-3

Key Observation Point 2 – Southwest corner of the project site looking east towards the existing end of Pala Road

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FIGURE 4.1-4

Key Observation Point 3 – Southwest corner of the project site looking east towards the existing end of Pala Road

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4.2 AIR QUALITY

This section describes the existing air quality conditions, identifies associated regulatory requirements, evaluates potential impacts, and establishes mitigation measures related to implementation of the Cypress Point project (proposed project). The following analysis is based on the Air Quality Assessment Technical Report prepared for the proposed project by Ldn Consulting, Inc. in January 2021, which is included as Appendix B of this EIR.

4.2.1 Existing Conditions

Environmental Setting

The project site is located within the San Diego Air Basin (SDAB) and is subject to San Diego County Air Pollution Control District (SDAPCD) guidelines and regulations. The SDAB is 1 of 15 air basins that geographically divide California. The SDAB lies in the southwest corner of California. The SDAB comprises the entire San Diego region and covers approximately 4,260 square miles.

Climate and Topography

The primary factors that determine air quality are the locations of air pollutant sources and the amount of pollutants emitted. Meteorological and topographical conditions, however, are also important. Factors such as wind speed and direction, air temperature gradients and sunlight, and precipitation and humidity interact with physical landscape features to determine the movement and dispersal of air pollutants. Meteorological and topographical factors that affect air quality in the SDAB are described below.

Climate within the San Diego Air Basin (SDAB) area often varies dramatically over short geographical distances with cooler temperatures on the western coast gradually warming to the east as prevailing winds from the west heats up. Most of southern California is dominated by high-pressure systems for much of the year, which keeps San Diego mostly sunny and warm. Typically, during the winter months, the high-pressure system drops to the south and brings cooler, moister weather from the north. It is common for inversion layers to develop within high-pressure areas, which mostly define pressure patterns over the SDAB. These inversions are caused when a thin layer of atmosphere increases in temperature with height. An inversion acts like a lid precenting vertical mixing of air through convective overturning.

The topography in the San Diego region varies greatly, from beaches on the west to mountains and desert on the east; along with local weather, it influences the dispersal and movement of pollutants in the SDAB. The mountains to the east prevent dispersal of pollutants in that direction and help trap them in inversion layers.

The interaction of ocean, land, and the Pacific High Pressure Zone maintains clear skies for much of the year and influences the direction of prevailing winds (westerly to northwesterly). Local terrain is often the dominant factor inland, and winds in inland mountainous areas tend to blow through the valleys during the day and down the hills and valleys at night.

Site-Specific Meteorological Conditions

Meteorological trends within Oceanside produce daytime highs typically ranging between 65°F in the winter to approximately 78°F in the summer with August usually being the hottest month. Median temperatures range from approximately 55°F in the winter to approximately 70°F in the summer. The average humidity is approximately 64% in the winter and about 72% in the summer (Appendix B).

Air Pollution Climatology

The SDAB is currently classified as a federal nonattainment area for 8-hour ozone (O_3) and a state nonattainment area for coarse particulate matter (particulate matter less than or equal to10 microns in diameter; PM_{10}), fine particulate matter (particulate matter less than or equal to 2.5 microns in diameter; $PM_{2.5}$, and O_3.

The SDAB lies in the southwest corner of California and comprises the entire San Diego region, covering 4,260 square miles, and is an area of high air pollution potential. The SDAB experiences warm summers, mild winters, infrequent rainfalls, light winds, and moderate humidity. This usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds.

The SDAB experiences frequent temperature inversions. Subsidence inversions occur during the warmer months as descending air associated with the Pacific High Pressure Zone meets cool marine air. The boundary between the two layers of air creates a temperature inversion that traps pollutants. Another type of inversion, a radiation inversion, develops on winter nights when air near the ground cools by heat radiation and air aloft remains warm. The shallow inversion layer formed between these two air masses also can trap pollutants. As the pollutants become more concentrated in the atmosphere, photochemical reactions occur that produce O_3, commonly known as smog.

Light daytime winds, predominantly from the west, further aggravate the condition by driving air pollutants inland, toward the mountains. During the fall and winter, air quality problems are created due to carbon monoxide (CO) and oxides of nitrogen (NO_x) emissions. CO concentrations are generally higher in the morning and late evening. In the morning, CO levels are elevated due to cold temperatures and the large number of motor vehicles traveling. Higher CO levels during the late evenings are a result of stagnant atmospheric conditions trapping CO in the area. Since

CO is produced almost entirely from automobiles, the highest CO concentrations in the SDAB are associated with heavy traffic. Nitrogen dioxide (NO_2) levels are also generally higher during fall and winter days.

Under certain conditions, atmospheric oscillation results in the offshore transport of air from the Los Angeles region to San Diego County. This often produces high O_3 concentrations, as measured at air pollutant monitoring stations within the County. The transport of air pollutants from Los Angeles to San Diego has also occurred within the stable layer of the elevated subsidence inversion, where high levels of O_3 are transported.

Sensitive Receptors

Reduced visibility, eye irritation, and adverse health impacts upon those persons termed sensitive receptors are the most serious hazards of existing air quality conditions in the area. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution, as identified by the California Air Resources Board (CARB), include children, the elderly, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors include residences, schools, playgrounds, childcare centers, long-term healthcare facilities, rehabilitation centers, convalescent centers, and retirement homes. Because hotels have the potential to house children, the elderly, and people with cardiovascular and chronic respiratory diseases, although for a temporary period, patrons of the proposed hotel are considered sensitive receptors. The closest existing sensitive receptors consist of single-family residential development located east and south of the project site, see Figure 3-A of Appendix B.

Pollutants and Effects

"Criteria air pollutants" are defined as pollutants for which the federal and state governments have established ambient air quality standards, or criteria, for outdoor concentrations to protect public health. The federal and state standards have been set, with an adequate margin of safety, at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons from illness or discomfort. Pollutants of concern include O_3, NO_2, CO, sulfur dioxide (SO_2), PM_{10}, $PM_{2.5}$, and lead. These pollutants, as well as toxic air contaminants (TACs), are discussed in this section. In California, sulfates, vinyl chloride, hydrogen sulfide, and visibility-reducing particles are also regulated as criteria air pollutants.

Ozone. O_3 is a highly oxidative unstable gas capable of damaging the linings of the respiratory tract. This pollutant forms in the atmosphere through reactions between chemicals directly emitted from vehicles, industrial plants, and many other sources. Exposure to ozone above ambient air quality standards can lead to human health effects such as lung inflammation, tissue damage and impaired lung functioning. Ozone can also damage materials such as rubber, fabrics and plastics.

Nitrogen Dioxide. NO_2 is a reactive, oxidizing gas capable of damaging cells lining the respiratory tract and is one of the nitrogen oxides emitted from high-temperature combustion, such as those occurring in trucks, cars, power plants, home heaters, and gas stoves. In the presence of other air contaminants, NO_2 is usually visible as a reddish-brown air layer over urban areas. NO_2 along with other traffic-related pollutants is associated with respiratory symptoms, respiratory illness and respiratory impairment. Studies in animals have reported biochemical, structural, and cellular changes in the lung when exposed to NO_2 above the level of the current state air quality standard. Clinical studies of human subjects suggest that NO_2 exposure to levels near the current standard may worsen the effect of allergens in allergic asthmatics, especially in children.

Carbon Monoxide. CO is a colorless, odorless, and tasteless gas and is produced from the partial combustion of carbon-containing compounds, notably in internal-combustion engines. Carbon monoxide usually forms when there is a reduced availability of oxygen present during the combustion process. Exposure to CO near the levels of the ambient air quality standards can lead to fatigue, headaches, confusion, and dizziness. CO interferes with the blood's ability to carry oxygen.

Sulfur Dioxide. SO_2 is a gaseous compound of sulfur and oxygen and is formed when sulfur-containing fuel is burned by mobile sources, such as locomotives, ships, and off-road diesel equipment. SO_2 is also emitted from several industrial processes, such as petroleum refining and metal processing. Effects from SO_2 exposures at levels near the one-hour standard include bronchoconstriction accompanied by symptoms, which may include wheezing, shortness of breath and chest tightness, especially during exercise or physical activity. Children, the elderly, and people with asthma, cardiovascular disease or chronic lung disease (such as bronchitis or emphysema) are most susceptible to these symptoms. Continued exposure at elevated levels of SO_2 results in increased incidence of pulmonary symptoms and disease, decreased pulmonary function, and increased risk of mortality.

Particulate Matter. Particulate matter is a complex mixture of tiny particles that consists of dry solid fragments, solid cores with liquid coatings, and small droplets of liquid. These particles vary in shape, size and chemical composition, and can be made up of multiple materials such as metal, soot, soil, and dust. PM_{10} particles are 10 microns (μm) or less and $PM_{2.5}$ particles are 2.5 μm or less. These particles can contribute significantly to regional haze and reduction of visibility in California. Exposure to particulate matter levels exceeding current air quality standards increases the risk of allergies such as asthma and respiratory illness.

Lead. Lead is a potent neurotoxin that accumulates in soft tissues and bone over time. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. Because lead is only slowly excreted, exposures to small amounts of lead from a variety of sources can accumulate to harmful levels. Effects from inhalation of lead near the level of the ambient air quality standard include impaired blood formation and nerve conduction. Lead

can adversely affect the nervous, reproductive, digestive, immune, and blood-forming systems. Symptoms can include fatigue, anxiety, short-term memory loss, depression, weakness in the extremities, and learning disabilities in children.

Toxic Air Contaminants. A substance is considered toxic if it has the potential to cause adverse health effects in humans, including increasing the risk of cancer upon exposure, or acute and/or chronic non-cancer health effects. A toxic substance released into the air is considered a TAC. Examples include certain aromatic and chlorinated hydrocarbons, certain metals, and asbestos. TACs are generated by a number of sources, including stationary sources, such as dry cleaners, gas stations, combustion sources, and laboratories; mobile sources, such as automobiles; and area sources, such as landfills. Adverse health effects associated with exposure to TACs may include carcinogenic (i.e., cancer-causing) and non-carcinogenic effects. Non-carcinogenic effects typically affect one or more target organ systems and may be experienced either on short-term (acute) or long-term (chronic) exposure to a given TAC.

4.2.2 Regulatory Setting

Federal

The Federal Air Quality Standards were developed per the requirements of The Federal Clean Air Act, which is a federal law that was passed in 1970 and further amended in 1990. This law provides the basis for the national air pollution control effort. An important element of the act included the development of national ambient air quality standards (NAAQS) for major air pollutants.

The Clean Air Act established two types of air quality standards otherwise known as primary and secondary standards. Primary Standards set limits for the intention of protecting public health, which includes sensitive populations such as people with asthma, children and elderly. Secondary Standards set limits to protect public welfare to include the protection against decreased visibility, damage to animals, crops, vegetation and buildings.

The NAAQS describe acceptable air quality conditions designed to protect the health and welfare of the citizens of the nation. The NAAQS (other than for O_3, NO_2, SO_2, PM_{10}, $PM_{2.5}$, and those based on annual averages or arithmetic mean) are not to be exceeded more than once per year. NAAQS for O_3, NO_2, SO_2, PM_{10}, and $PM_{2.5}$ are based on statistical calculations over 1- to 3-year periods, depending on the pollutant. The Clean Air Act requires the EPA to reassess the NAAQS at least every 5 years to determine whether adopted standards are adequate to protect public health based on current scientific evidence. States with areas that exceed the NAAQS must prepare a State Implementation Plan that demonstrates how those areas will attain the standards within mandated time frames.

State

The California Clean Air Act was adopted in 1988 and establishes the state's air quality goals, planning mechanisms, regulatory strategies, and standards of progress.

Under the Clean Air Act, the task of air quality management and regulation has been legislatively granted to CARB, with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at the regional and county levels. CARB is responsible for ensuring implementation of the California Clean Air Act, responding to the federal Clean Air Act, and regulating emissions from motor vehicles and consumer products. Pursuant to the authority granted to it, CARB has established California Ambient Air Quality Standards (CAAQS), which are generally more restrictive than the NAAQS.

Standards and Definitions

Table 4.2-1 identifies both the NAAQS and CAAQS. The additional contaminants as regulated by the CAAQS are defined below:

***Visibility Reducing Particles*:** Particles in the air that obstruct visibility.

***Sulfates*:** are salts of Sulfuric Acid. Sulfates occur as microscopic particles (aerosols) resulting from fossil fuel and biomass combustion. They increase the acidity of the atmosphere and form acid rain.

Hydrogen Sulfide (H_2S): is a colorless, toxic, and flammable gas with a recognizable smell of rotten eggs or flatulence. H_2S occurs naturally in crude petroleum, natural gas, volcanic gases, and hot springs. Usually, H_2S is formed from bacterial breakdown of organic matter. Exposure to low concentrations of hydrogen sulfide may cause irritation to the eyes, nose, or throat. It may also cause difficulty in breathing for some people with asthma. Brief exposures to high concentrations of hydrogen sulfide (greater than 500 ppm) can cause a loss of consciousness and possibly death.

Vinyl Chloride: also known as chloroethene and is a toxic, carcinogenic, colorless gas with a sweet odor. It is an industrial chemical mainly used to produce its polymer, polyvinyl chloride (PVC).

Table 4.2-1
Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards[a]	National Standards[b]	
		Concentration[c]	*Primary*[c,d]	*Secondary*[c,e]
O_3	1 hour	0.09 ppm (180 μg/m³)	—	Same as Primary Standard[f]
	8 hours	0.070 ppm (137 μg/m³)	0.070 ppm (137 μg/m³)[f]	

Table 4.2-1
Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards[a]	National Standards[b]	
		Concentrationc	*Primary[c,d]*	*Secondary[c,e]*
NO_2[g]	1 hour	0.18 ppm (339 μg/m³)	0.100 ppm (188 μg/m³)	Same as Primary Standard
	Annual Arithmetic Mean	0.030 ppm (57 μg/m³)	0.053 ppm (100 μg/m³)	
CO	1 hour	20 ppm (23 mg/m³)	35 ppm (40 mg/m³)	None
	8 hours	9.0 ppm (10 mg/m³)	9 ppm (10 mg/m³)	
SO_2[h]	1 hour	0.25 ppm (655 μg/m³)	0.075 ppm (196 μg/m³)	—
	3 hours	—	—	0.5 ppm (1,300 μg/m³)
	24 hours	0.04 ppm (105 μg/m³)	0.14 ppm (for certain areas)[g]	—
	Annual	—	0.030 ppm (for certain areas)[g]	—
PM_{10}[i]	24 hours	50 μg/m³	150 μg/m³	Same as Primary Standard
	Annual Arithmetic Mean	20 μg/m³	—	
$PM_{2.5}$[i]	24 hours	—	35 μg/m³	Same as Primary Standard
	Annual Arithmetic Mean	12 μg/m³	12.0 μg/m³	15.0 μg/m³
Lead[j,k]	30-day Average	1.5 μg/m³	—	—
	Calendar Quarter	—	1.5 μg/m³ (for certain areas)[k]	Same as Primary Standard
	Rolling 3-Month Average	—	0.15 μg/m³	
Hydrogen sulfide	1 hour	0.03 ppm (42 μg/m³)	—	—
Vinyl chloride[j]	24 hours	0.01 ppm (26 μg/m³)	—	—
Sulfates	24- hours	25 μg/m³	—	—
Visibility reducing particles	8 hour (10:00 a.m. to 6:00 p.m. PST)	Insufficient amount to produce an extinction coefficient of 0.23 per kilometer due to particles when the relative humidity is less than 70%	—	—

Source: CARB 2016.

Notes: ppm = parts per million by volume; μg/m³ = micrograms per cubic meter; mg/m³ = milligrams per cubic meter.

[a] California standards for O_3, CO, SO_2 (1-hour and 24-hour), NO_2, suspended particulate matter—PM_{10}, $PM_{2.5}$, and visibility-reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. CAAQS are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

[b] National standards (other than O_3, NO_2, SO_2, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The O_3 standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over 3 years, is equal to or less than the standard. For PM_{10}, the 24-hour standard is attained when the expected number

of days per calendar year with a 24-hour average concentration above 150 µg/m^3 is equal to or less than 1. For $PM_{2.5}$, the 24-hour standard is attained when 98% of the daily concentrations, averaged over 3 years, are equal to or less than the standard.

[c] Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

[d] National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

[e] National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

[f] On October 1, 2015, the primary and secondary NAAQS for O_3 were lowered from 0.075 ppm to 0.070 ppm.

[g] To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (ppb). Note that the national 1-hour standard is in units of ppb. California standards are in units of ppm. To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.

[h] On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO_2 national standards (24-hour and annual) remain in effect until 1 year after an area is designated for the 2010 standard, except that in areas designated nonattainment of the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

[i] On December 14, 2012, the national annual $PM_{2.5}$ primary standard was lowered from 15 µg/m^3 to 12.0 µg/m^3. The existing national 24-hour $PM_{2.5}$ standards (primary and secondary) were retained at 35 µg/m^3, as was the annual secondary standard of 15 µg/m^3. The existing 24-hour PM_{10} standards (primary and secondary) of 150 µg/m^3 also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.

[j] CARB has identified lead and vinyl chloride as TACs with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

[k] The national standard for lead was revised on October 15, 2008, to a rolling 3-month average. The 1978 lead standard (1.5 µg/m^3 as a quarterly average) remains in effect until 1 year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.

Toxic Air Contaminants

The state Air Toxics Program was established in 1983 under Assembly Bill (AB) 1807 (Tanner). The California TAC list identifies more than 700 pollutants, of which carcinogenic and noncarcinogenic toxicity criteria have been established for a subset of these pollutants pursuant to the California Health and Safety Code. In accordance with AB 2728, the state list includes the (federal) HAPs. The Air Toxics "Hot Spots" Information and Assessment Act of 1987 (AB 2588) seeks to identify and evaluate risk from air toxics sources; however, AB 2588 does not regulate air toxics emissions. TAC emissions from individual facilities are quantified and prioritized. "High-priority" facilities are required to perform a health risk assessment (HRA), and if specific thresholds are exceeded, are required to communicate the results to the public in the form of notices and public meetings.

Diesel particulate matter (DPM) is part of a complex mixture that makes up diesel exhaust. Diesel exhaust is composed of two phases, gas and particle, both of which contribute to health risks. DPM is typically composed of carbon particles ("soot," also called black carbon, or BC) and numerous organic compounds, including over 40 known cancer-causing organic substances. The CARB classified "particulate emissions from diesel-fueled engines" (i.e., DPM; 17 CCR 93000) as a TAC in August 1998. DPM is emitted from a broad range of diesel engines: on-road diesel engines of trucks, buses, and cars, and off-road diesel engines including locomotives, marine vessels, and

heavy-duty construction equipment, among others. Approximately 70% of all airborne cancer risk in California is associated with DPM (CARB 2000).

In 2000, CARB approved a comprehensive Diesel Risk Reduction Plan to reduce diesel emissions from both new and existing diesel-fueled vehicles and engines. The regulation is anticipated to result in an 80% decrease in statewide diesel health risk in 2020 compared with the diesel risk in 2000 (CARB 2000). Additional regulations apply to new trucks and diesel fuel, including the On-Road Heavy Duty Diesel Vehicle (In-Use) Regulation, the On-Road Heavy Duty (New) Vehicle Program, the In-Use Off-Road Diesel Vehicle Regulation, and the New Off-Road Compression-Ignition (Diesel) Engines and Equipment program. All of these regulations and programs have timetables by which manufacturers must comply and existing operators must upgrade their diesel powered equipment. Several Airborne Toxic Control Measures (ATCMs) that reduce diesel emissions including In-Use Off-Road Diesel-Fueled Fleets (13 CCR 2449 et seq.) and In-Use On-Road Diesel-Fueled Vehicles (13 CCR 2025).

Health risk assessments (HRAs) are used to estimate health risk impacts to existing sensitive receptors from exposure to toxic air contaminant (TAC) emissions from construction of a project. HRAs also predict the potential exposure to future residents of the project from TAC emissions related to motor vehicles. HRA analyses use air dispersion modeling and Hotspots Analysis and Reporting Program Version 2 (HARP2) to evaluate potential health risks associated with a particular project.

California Health and Safety Code Section 41700

Section 41700 of the Health and Safety Code states that a person shall not discharge from any source whatsoever quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; or that endanger the comfort, repose, health, or safety of any of those persons or the public; or that cause, or have a natural tendency to cause, injury or damage to business or property. This section also applies to sources of objectionable odors.

Local

San Diego Air Pollution Control District

The State of California has 35 specific air districts, which are each responsible for ensuring that the criteria pollutants are below the NAAQS and CAAQS. Air basins that exceed either the NAAQS or the CAAQS for any criteria pollutants are designated as “non-attainment areas” for that pollutant. Currently, there are 15 non-attainment areas for the federal ozone standard and two non-attainment areas for the $PM_{2.5}$ standard and many areas are in non-attainment for PM_{10} as well.

California therefore created the California State Implementation Plan (SIP), which is designed to provide control measures needed to attain ambient air quality standards.

The SDAPCD is the government agency which regulates sources of air pollution within County and all Cities within. Therefore, the SDAPCD developed a Regional Air Quality Strategy (RAQS) to provide control measures to try to achieve attainment status for state ozone standards with control measures focused on Volatile Organic Compounds (VOCs) and oxides of nitrogen (NO_x). Currently, San Diego is in "nonattainment" status for federal and state O_3 and State PM_{10} and $PM_{2.5}$. An attainment plan is available for O_3. The RAQS was adopted in 1992 and has been updated as recently as 2016 which was the latest update incorporating minor changes to the prior 2009 update.

The 2016 update mostly summarizes how the 2009 update has lowered NO_x and VOCs emissions which reduces ozone and clarifies and enhances emission reductions by introducing for discussion three new VOC and four new NO_x reduction measures. NO_x and VOCs are precursors to the formation of ozone in the atmosphere. The criteria pollutant standards are generally attained when each monitor within the region has had no exceedances during the previous three calendar years.

The RAQS is largely based on population predictions by the San Diego Association of Governments (SANDAG). Projects that produce less growth than predicted by SANDAG would generally conform to the RAQS. Projects that create more growth than projected by SANDAG may create a significant impact if the Project produces unmitigable air quality emissions or if the Project produces cumulative impacts

In December 2005, SDAPCD prepared a report titled Measures to Reduce Particulate Matter in San Diego County to address implementation of Senate Bill 656 in San Diego County (Senate Bill 656 required additional controls to reduce ambient concentrations of PM_{10} and $PM_{2.5}$) (SDAPCD 2005). In the report, SDAPCD evaluated the implementation of source-control measures that would reduce particulate matter emissions associated with residential wood combustion; various construction activities including earthmoving, demolition, and grading; bulk material storage and handling; carryout and trackout removal and cleanup methods; inactive disturbed land; disturbed open areas; unpaved parking lots/staging areas; unpaved roads; and windblown dust.

As stated previously, the SDAPCD is responsible for planning, implementing, and enforcing the CAAQS and NAAQS in the SDAB. The following rules and regulations apply to all sources in the jurisdiction of SDAPCD:

SDAPCD Rules and Regulations

As stated above, the SDAPCD is responsible for planning, implementing, and enforcing federal and state ambient standards in the SDAB. The following rules and regulations apply to all sources in the jurisdiction of SDAPCD, and would apply to the proposed project:

SDAPCD Regulation IV: Prohibitions; Rule 50: Visible Emissions. Prohibits discharge into the atmosphere from any single source of emissions whatsoever any air contaminant for a period or periods aggregating more than 3 minutes in any period of 60 consecutive minutes that is darker in shade than that designated as Number 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or of such opacity as to obscure an observer's view to a degree greater than does smoke of a shade designated as Number 1 on the Ringelmann Chart (SDAPCD 1997).

SDAPCD Regulation IV: Prohibitions; Rule 51: Nuisance. Prohibits the discharge, from any source, of such quantities of air contaminants or other materials that cause or have a tendency to cause injury, detriment, nuisance, annoyance to people and/or the public, or damage to any business or property (SDAPCD 1967).

SDAPCD Regulation IV: Prohibitions; Rule 55: Fugitive Dust. Regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas, as well as track-out and carry-out onto paved roads beyond a project site (SDAPCD 2009).

SDAPCD Regulation IV: Prohibitions; Rule 67.0.1: Architectural Coatings. Requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories (SDAPCD 2015).

SDAPCD Regulation XII: Toxic Air Contaminants; Rule 1200: Toxic Air Contaminants - New Source Review. Requires new or modified stationary source units with the potential to emit TACs above rule threshold levels to either demonstrate that they will not increase the maximum incremental cancer risk above 1 in 1 million at every receptor location, or demonstrate that toxics best available control technology (T-BACT) will be employed if maximum incremental cancer risk is equal to or less than 10 in 1 million, or demonstrate compliance with SDAPCD's protocol for those sources with an increase in maximum incremental cancer risk at any receptor location of greater than 10 in 1 million but less than 100 in 1 million (SDAPCD 2017a).

SDAPCD Regulation XII: Toxic Air Contaminants; Rule 1210: Toxic Air Contaminant Public Health Risks – Public Notification and Risk Reduction. Requires each stationary source that is required to prepare a public risk assessment to provide written public notice of risks at or above the following levels: maximum incremental cancer risks equal to or greater than 10 in 1 million,

or cancer burden equal to or greater than 1.0, or total acute noncancer health hazard index equal to or greater than 1.0, or total chronic noncancer health hazard index equal to or greater than 1.0 (SDAPCD 2017b).

San Diego Association of Governments

SANDAG is the regional planning agency for the County and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. SANDAG serves as the federally designated metropolitan planning organization (MPO) for the County. With respect to air quality planning and other regional issues, SANDAG has prepared San Diego Forward: The Regional Plan (Regional Plan) for the San Diego region (SANDAG 2015). The Regional Plan combines the big-picture vision for how the San Diego region will grow over the next 35 years with an implementation program to help make that vision a reality. The Regional Plan, including its Sustainable Communities Strategy (SCS), is built on an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system so that it meets the diverse needs of the San Diego region through 2050.

In regard to air quality, the Regional Plan sets the policy context in which SANDAG participates and responds to the air district's air quality plans and builds off plan processes that are designed to meet health-based criteria pollutant standards in several ways (SANDAG 2015). First, it complements air quality plans by providing guidance and incentives for public agencies to consider best practices that support the technology-based control measures in air quality plans. Second, the Regional Plan emphasizes the need for better coordination of land use and transportation planning, which heavily influence the emissions inventory from the transportation sectors of the economy. This also minimizes land use conflicts, such as residential development near freeways, industrial areas, or other sources of air pollution.

On February 26, 2021, SANDAG's Board of Directors adopted the final 2021 Regional Transportation Improvement Program (RTIP). The 2021 RTIP covers five fiscal years (FY 2021 through FY 2025) and incrementally implements the SANDAG 2019 Federal Regional Transportation Plan. The 2021 RTIP is designed to implement the region's overall strategy for providing mobility and improving the safety, condition, and efficiency of the transportation system while reducing transportation related air pollution. The 2021 RTIP incrementally implements San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP), the long-range transportation plan for the San Diego region approved by the SANDAG Board of Directors on October 25, 2019.

San Diego Air Basin Attainment Designation

An area is designated in attainment when it is in compliance with the NAAQS and/or CAAQS. These standards are set by the EPA or CARB for the maximum level of a given air pollutant that can exist in the outdoor air without unacceptable effects on human health or the public welfare.

Pursuant to the 1990 federal Clean Air Act Amendments, the EPA classifies air basins (or portions thereof) as "attainment" or "nonattainment" for each criteria air pollutant, based on whether the NAAQS have been achieved. Generally, if the recorded concentrations of a pollutant are lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "nonattainment" for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated as "unclassified" or "unclassifiable." The designation of "unclassifiable/attainment" means that the area meets the standard or is expected to be meet the standard despite a lack of monitoring data. Areas that achieve the standards after a nonattainment designation are redesignated as maintenance areas and must have approved Maintenance Plans to ensure continued attainment of the standards. The California Clean Air Act, like its federal counterpart, called for the designation of areas as "attainment" or "nonattainment," but based on the CAAQS rather than the NAAQS. The criteria pollutants of primary concern that are considered in this analysis are O_3, NO_2, CO, SO_2, PM_{10}, and $PM_{2.5}$. Table 4.2-2 summarizes the SDAB's federal and state attainment designations for each of the criteria pollutants.

Table 4.2-2
San Diego Air Basin Attainment Classification

Pollutant	Designation/Classification	
	Federal Standards	*State Standards*
Ozone (O_3) – 1 hour [a]	Attainment[a]	**Nonattainment**
O_3 (8-hour – 2008)	**Nonattainment**	**Nonattainment**
Nitrogen Dioxide (NO_2)	Attainment	Attainment
Carbon Monoxide (CO)	Attainment	Attainment
Sulfur Dioxide (SO_2)	Attainment	Attainment
Coarse Particulate Matter (PM_{10})	Unclassifiable	**Nonattainment**
Fine Particulate Matter ($PM_{2.5}$)	Attainment	**Nonattainment**
Lead (Pb)	Attainment	Attainment
Hydrogen Sulfide	No federal standard	Unclassified
Sulfates	No federal standard	Attainment
Visibility-Reducing Particles	No federal standard	Unclassified

Sources: Appendix B
Notes: Attainment = meets the standards; Attainment/Maintenance = achieve the standards after a nonattainment designation; Nonattainment = does not meet the standards; Unclassified or Unclassifiable = insufficient data to classify; Unclassifiable/Attainment = meets the standard or is expected to be meet the standard despite a lack of monitoring data.
[a] The federal 1-hour standard of 0.12 ppm was in effect from 1979 through June 15, 2005. The revoked standard is referenced here because it was employed for such a long period and because this benchmark is addressed in state implementation plans (SIPs).

SDAPCD Rule 20.2- Air Quality Impact Assessment Screening Thresholds

The SDAPCD has established thresholds in Rule 20.2 for new or modified stationary sources. The County's Guidelines for Determining Significance and Report Format and Content Requirements incorporate screening level thresholds from Rule 20.2 for use in all County related Air Quality Impact Assessments (AQIA) and for determining CEQA air quality impacts. These screening criteria can be used to demonstrate that a project's total emissions would not result in a significant impact as defined by CEQA. Also, since SDAPCD does not have air quality impact threshold for VOCs, it is acceptable to use the Coachella Valley VOC threshold from South Coast Air Quality Management District (SCAQMD). Should emissions be found to exceed these thresholds, additional modeling is required to demonstrate that the project's total air quality impacts are below the state and federal ambient air quality standards. These screening thresholds for construction and daily operations are shown in Table 4.2-3.

Non-Criteria pollutants such as Hazardous Air Pollutants (HAPs) or Toxic Air Contaminants (TACs) are also regulated by the SDAPCD. Rule 1200 (Toxic Air Contaminants – New Source Review) adopted on June 12, 1996, requires evaluation of potential health risks for any new, relocated, or modified emission unit which may increase emissions to one of more toxic air contaminants. The rule requires that projects that propose to increase cancer risk to between 1 and 10 in a million need to implement toxics best available control technology (T-BACT) or import the most effective emission limitation, emission control device or control technique to reduce the cancer risk. At no time shall the project increase the incremental cancer risk to over 10 in one million or a health hazard index (chronic and acute) greater than one. Projects creating cancer risks less than one in one million are not required to implement T-BACT technology.

The U.S. EPA uses the term VOC and the CARB's Emission Inventory Branch (EIB) uses the term Reactive Organic Gases (ROG) to define essentially the same thing. There are minor deviations between compounds that define each term however for purposes of this study we will assume they are essentially the same due to the fact SCAQMD interchanges these words and because Air Quality models directly calculate ROG in place of VOC.

Table 4.2-3
Screening Level Thresholds for Criteria Pollutants

Pollutant	Total Emissions (Pounds per Day)
Construction Emissions	
Respirable Particulate Matter (PM_{10} and $PM_{2.5}$)	100 and 55
Nitrogen Oxide (NO_x)	250
Sulfur Oxide (SO_x)	250
Carbon Monoxide (CO)	550
Volatile Organic Compounds (VOCs)	75

Table 4.2-3
Screening Level Thresholds for Criteria Pollutants

Pollutant	Total Emissions (Pounds per Day)
Reactive Organic Gases (ROG) SCAQMD	75
Operational Emissions	
Respirable Particulate Matter (PM_{10} and $PM_{2.5}$)	100 and 55
Nitrogen Oxide (NO_x)	250
Sulfur Oxide (SO_x)	250
Carbon Monoxide (CO)	550
Lead and Lead Compounds	3.2
Volatile Organic Compounds (VOCs)	75
Reactive Organic Gases (ROG) SCAQMD	75

Air Quality Monitoring Data

The SDAPCD operates a network of ambient air monitoring stations throughout San Diego County, which measure ambient concentrations of pollutants and determine whether the ambient air quality meets the CAAQS and the NAAQS. CARB, air districts, and other agencies monitor ambient air quality at approximately 250 air quality monitoring stations across the state. Local ambient air quality is monitored by the SDAPCD.

The nearest SDAPCD-operated monitoring stations are the Camp Pendleton and Escondido monitoring stations, which are located approximately 3.5 miles west of the project site and 16 miles to the southeast of the project site, respectively. The most recent background ambient air quality data and number of days exceeding the ambient air quality standards from 2015 to 2017 are presented in Table 4.2-4.

Table 4.2-4
Three-Year Ambient Air Quality Summary near the Project Site

Pollutant	Closest Recorded Ambient Monitoring Site	Averaging Time	CAAQS	NAAQS	2015	2016	2017	Days Exceeded over 3 Years
O_3 (ppm)	Camp Pendleton or Escondido Monitoring Station	1 Hour	0.09 ppm	No Standard	0.09	0.08	0.09	0
		8 Hour	0.070 ppm	0.070 ppm	0.08	0.07	0.08	10
* PM_{10} (µg/m3)		24 Hour	50 µg/m3	150 µg/m3	30	–	–	N/A
		Annual Arithmetic Mean	20 µg/m3	No Standard	19.4	–	–	N/A

Table 4.2-4
Three-Year Ambient Air Quality Summary near the Project Site

Pollutant	Closest Recorded Ambient Monitoring Site	Averaging Time	CAAQS	NAAQS	2015	2016	2017	Days Exceeded over 3 Years
* $PM_{2.5}$ (µg/m3)		24 Hour	No Standard	35 µg/m3	29.4	–	–	N/A
		Annual Arithmetic Mean	12 µg/m3	15 µg/m3	8.6	–	–	N/A
NO_2 (ppm)		Annual Arithmetic Mean	0.030 ppm	0.053 ppm	0.006	0.006	0.006	N/A
		1 Hour	0.18 ppm	0.100 ppm	0.060	0.072	0.063	N/A
* CO (ppm)		1 Hour	20 ppm	35 ppm	3.1	–	–	N/A
		8 Hour	9 ppm	9 ppm	2.0	–	–	N/A

Notes:
1. Yearly maximums marked with "-" indicated data was not available for either monitoring station.
2. Days exceeded marked with "N/A" indicate no data available.
3. * Data was selected from the Escondido Monitoring Station. All other data presented was collected at the Camp Pendleton Monitoring Station.
4. SO_2 is only monitored at the El Cajon Monitoring Station. Within the entire County of San Diego, SO_2 emissions within the County are essentially Zero for all metrics including the Average, Maximum 24 hour and 1- hour standards. The Highest 1-hr measurement identified is .004 ppm and the most restrictive standard (CAAQS for SO_2) is 0.25 ppm.
5. Three years of data from 2015 to 2017 is shown since Escondido no longer collects data. The data for 2018 and 2019 is similar

Oceanside General Plan

The City of Oceanside General Plan includes various policies related to improving air quality (both directly and indirectly) (City of Oceanside 2002). Applicable policies include the following.

Land Use Element

Bicycle Facilities

Policy A: Development shall provide Class II Bikeways (Bike Lanes) on all secondary, major, and prime arterials.

Policy B: Collector streets which function as links for Bicycle Circulation System shall require Class II Bikeways (Bike Lanes). In such cases the City shall reduce hazards to cyclists on collector streets by eliminating on-street parking.

Policy D: The use of land shall integrate the Bicycle Circulation System with auto, pedestrian, and transit systems:

1. Development shall provide short-term bicycle parking and long-term bicycle storage facilities such as bicycle racks, pedestal posts, and rental bicycle lockers.
2. Development shall provide safe and convenient bicycle access to high activity land uses, such as schools, parks, shopping, employment, and entertainment centers.

Pedestrian

Policy A: The construction of five (5) foot wide sidewalks adjacent to the curb shall be required in all new developments and street improvements.

Energy

Policy A: The City shall encourage the design, installation, and use of passive and active solar collection systems.

Policy B: The City shall encourage the use of energy efficient design, structures, materials, and equipment in all land developments or uses.

Policy C: The City shall encourage the use of long-term lower cost energy sources.

Grading and Excavation

Policy A: Investigation and evaluation of affected areas will indicate the measures to be included, such as the following measures:

1. Keep Grading to a minimum; leave vegetation and soils undisturbed wherever possible.
2. Plant bare slopes and cleared areas with appropriate vegetation immediately after grading.
3. Chemically treat soils to increase and resistance to erosion.
4. Install retaining structures where appropriate.
5. Construct drainage systems to direct and control rate of surface runoff.
6. Construct silt traps and settling basins in drainage systems.
7. Construct weirs and check dams on streams.

Circulation Element

Transportation Demand Management

The City shall:

Policy A: Encourage the reduction of vehicle miles, reduction of the total number of daily and peak hour vehicle trips, and provide better utilization of the circulation system through development and implementation of Transportation Demand Management and Transportation System Management programs. These may include implementation of mandatory peak-hour trip reduction, requirements for staggered work hours, telecommunication, increased development of employment centers where transit usage is highly viable, encouragement of ride sharing in the public and private sector, provision of park-and-ride facilities adjacent to the regional transportation system, and provision for transit subsidies.

Policy B: Maintain and implement the policies and recommendations of the Bicycle Master Plan as part of the Recreational Trails Element. These facilities shall connect residential areas with schools, parks, recreation areas, major employment centers, and neighborhood commercial areas.

Policy C: Maintain and implement the policies and recommendations of the Pedestrian Master Plan as part of the Recreational Trails Element to ensure pedestrian access along streets and other locations throughout the City are properly maintained and provided.

Policy D: Support parking policies that increase the cost of parking and/or reduce the supply of off-street parking to encourage drivers to consider using alternative modes of transportation or carpool/vanpool opportunities where transit facilities are available.

Policy E: Encourage businesses to offer financial incentives to use modes of transportation other than the single occupant vehicle by way of subsidized transit, carpool/vanpool programs, bike to work programs, parking cash-out programs, or some combination of these.

Policy F: Encourage new developments to provide on-site facilities such as showers, lockers, carpool stalls, and bicycle racks.

Bicycle Facilities

The City shall:

Policy A: Integrate bicycle and pedestrian planning and safety considerations more fully into the planning and design of the roadway network, transit facilities, public buildings, and parks.

Policy B: Provide and maintain a safe, direct, and comprehensive bicycle network connecting neighborhoods, employment locations, public facilities, transit stations, parks and other key destinations.

Policy C: Plan Class II bicycle lanes into all prime arterial, major arterials, and secondary collectors where safe and appropriate as determined by City staff.

Policy D: Encourage large new developments to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users.

Pedestrian Facilities

The City shall:

Policy A: Require the construction of a minimum five-foot wide sidewalk in all new developments and street improvements but will encourage sidewalk widths that go beyond the minimum five-foot ADA standards in areas with high pedestrian activity.

Policy B: Encourage the inclusion of public walkways, open space, or trails for pedestrian usage in large, private developments.

Oceanside Climate Action Plan and Energy and Climate Action Element

On May 8, 2019, the City Council voted to adopt the Climate Action Pan (CAP) as a part of their General Plan Update, which also includes development of a policy framework to the Energy and Climate Action Element (ECAE). The CAP is intended to proactively support statewide efforts to cut GHG emissions by expanding local renewable energy generation, reducing energy use, promoting recycling and reuse, facilitating active transportation, and encouraging other sustainable practices. The CAP will build upon a variety of City projects that promote energy efficiency, increased renewable energy use, water conservation, and solid waste reduction. In accordance with Section 15183.5 of the California Environmental Quality Act (CEQA), the CAP Checklist provides for streamlined review of projects subject to environmental review, offering an alternative to project-specific analysis of GHG emissions impacts.

4.2.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to air quality are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to air quality would occur if the proposed project would:

1. Conflict with or obstruct implementation of the applicable air quality plan.
2. 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.

3. Expose sensitive receptors to substantial pollutant concentrations.
4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.) indicates that, where available, the significance criteria established by the applicable air quality management district or pollution control district may be relied upon to determine whether the proposed project would have a significant impact on air quality.

As part of its air quality permitting process, the SDAPCD and the County of San Diego has established thresholds in Rule 20.2 requiring the preparation of Air Quality Impact Assessments (AQIA) for permitted stationary sources (SDAPCD 2016). The SDAPCD sets forth quantitative emission thresholds below which a stationary source would not have a significant impact on ambient air quality. Although these trigger levels do not generally apply to mobile sources or general land development projects, for comparative purposes, these levels may be used to evaluate the increased emissions which would be discharge to the SDAB from proposed land development projects (County of San Diego 2007). Proposed-project-related air quality impacts estimated in this environmental analysis would be considered significant if any of the applicable significance thresholds presented in Table 4.2-5, SDAPCD Air Quality Significance Thresholds, are exceeded.

Table 4.2-5
SDAPCD Air Quality Significance Thresholds

Construction Emissions			
Pollutant	*Total Emissions (Pounds per Day)*		
Respirable Particulate Matter (PM_{10})	100		
Fine Particulate Matter ($PM_{2.5}$)	55		
Oxides of Nitrogen (NO_x)	250		
Oxides of Sulfur (SO_x)	250		
Carbon Monoxide (CO)	550		
Volatile Organic Compounds (VOC)	75*		
Operational Emissions			
Pollutant	*Total Emissions*		
	Pounds per Hour	*Pounds per Day*	*Tons per Year*
Respirable Particulate Matter (PM_{10})	—	100	15
Fine Particulate Matter ($PM_{2.5}$)	—	55	10
Oxides of Nitrogen (NO_x)	25	250	40
Sulfur Oxides (SO_x)	25	250	40
Carbon Monoxide (CO)	100	550	100
Lead and Lead Compounds	—	3.2	0.6
Volatile Organic Compounds (VOC)	—	75*	13.7

Sources: SDAPCD Rules 1501 (SDAPCD 1995) and 20.2(d)(2) (SDAPCD 2016).

* VOC threshold based on the threshold of significance for VOCs from the South Coast Air Quality Management District for the Coachella Valley as stated in the San Diego County Guidelines for Determining Significance.

The thresholds listed in Table 4.2-5 represent screening-level thresholds that can be used to evaluate whether proposed-project-related emissions could cause a significant impact on air quality. Emissions below the screening-level thresholds would not cause a significant impact. The emissions-based thresholds for O_3 precursors are intended to serve as a surrogate for an "O_3 significance threshold" (i.e., the potential for adverse O_3 impacts to occur). This approach is used because O_3 is not emitted directly on O_3 levels in ambient air cannot be determined through air quality models or other quantitative methods. For nonattainment pollutants, if emissions exceed the thresholds shown in Table 4.2-5, the proposed project could have the potential to result in a cumulatively considerable net increase in these pollutants and thus could have a significant impact on the ambient air quality.

With respect to odors, SDAPCD Rule 51 (Public Nuisance) prohibits emission of any material that causes nuisance to a considerable number of persons or endangers the comfort, health, or safety of any person. A project that proposes a use that would produce objectionable odors would be deemed to have a significant odor impact if it would affect a considerable number of off-site receptors.

4.2.4 Impacts Analysis

Would the project conflict with or obstruct implementation of the applicable air quality plan?

SDAPCD and SANDAG are responsible for developing and implementing the clean air plans for attainment and maintenance of the ambient air quality standards in the basin—specifically, the SIP and RAQS.[1] The federal O_3 maintenance plan, which is part of the SIP, was adopted in 2012. The most recent O_3 attainment plan was adopted in 2021. The SIP includes a demonstration that current strategies and tactics will maintain acceptable air quality in the basin based on the NAAQS. The RAQS was initially adopted in 1991 and is updated on a triennial basis (most recently in 2021). The RAQS outlines SDAPCD's plans and control measures designed to attain the state air quality standards for O_3. The SIP and RAQS rely on information from CARB and SANDAG, including mobile and area source emissions as well as information regarding projected growth in the County as a whole and the cities in the County, to project future emissions and determine the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by the County and the cities in the County as part of the development of their general plans.

If a project involves development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the SIP and RAQS and may contribute to a potentially significant cumulative impact on air quality. The zoning for this project

[1] For the purpose of this discussion, the relevant federal air quality plan is the ozone maintenance plan (SDAPCD 2012). The RAQS is the applicable plan for purposes of state air quality planning. Both plans reflect growth projections in the basin.

site is RS – Single family Residential and the 54-unit development would not require zoning modifications. Based on this, the project would be consistent with the growth assumptions in the City's General Plan and would not conflict with the RAQS or SIP. As, the project is consistent with the zoning designation and is anticipated in the City's General Plan and SANDAG's growth projections, implementation of the project would not conflict with the SIP and RAQS. Therefore, the project would not conflict with or obstruct implementation of an applicable air quality plan, and impacts would be **less than significant.**

Would the project 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?

Construction Emissions

Construction of the project would result in the temporary addition of pollutants to the local SDAB caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and VOC off-gassing) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). The project's construction emissions were estimated using CalEEMod and compared to the SDAPCD Thresholds of Significance. Construction of the proposed project is expected to start in 2023 and be completed by 2024. Since the project is within a flood zone, the project would be required to import roughly 35,000 cubic yards (CY) of soil during grading operations and was modeled as such. The construction emissions are shown in Table 4.2-6. As show in in Table 4.2-6, the project would not exceed SDAPCD's significance thresholds.

Table 4.2-6
Expected Construction Emissions Summary – Pounds per Day

Year	ROG	NO_x	CO	SO_2	PM_{10} (Dust)	PM_{10} (Exhaust)	PM_{10} (Total)	$PM_{2.5}$ (Dust)	$PM_{2.5}$ (Exhaust)	$PM_{2.5}$ (Total)
2023	23.39	19.09	24.45	0.11	18.21	0.04	18.22	9.97	0.04	9.98
2024	23.39	2.85	19.92	0.03	0.23	0.01	0.24	0.06	0.01	0.07
Significance Threshold (lb/day)	75	250	550	250	–	–	100	–	–	55
Impact?	**No**	**No**	**No**	**No**	**–**	**–**	**No**	**–**	**–**	**No**

Given these findings, no direct construction impacts are expected, and mitigation measures for criteria pollutants and fugitive dust from construction are not required. The project applicant has indicated that as a design feature, all diesel equipment would be Tier 4 with DPF and that the grading contractor would follow Best Management Practices (BMPs) for grading as it relates to minimizing air quality emissions and would comply with all SDAPCD rules and regulations.

Therefore, the project's air pollutant emission impact during construction is determined to be less than significant.

Operational Emissions

The project would generate criteria pollutant emissions during operation from area, energy, and mobile sources. The emissions were estimated using CalEEMod and compared to SDAPCD's significance thresholds for operation. Project full buildout operations are expected in 2025 and was modeled as such. Additionally, the model was run for the summer and winter scenarios to determine maximum daily operational impacts for operation.

The expected daily pollutant generation can be calculated utilizing the product of the average daily miles traveled and the expected emissions inventory calculated by EMFAC2014; CalEEMod 2016.3.2 performs this calculation. The daily pollutants calculated for summer and winter are shown in Tables 4.2-7 and 4.2-8.

Table 4.2-7
Expected Summer Daily Pollutant Generation

	ROG	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Area	2.65	0.95	4.83	0.01	0.10	0.10
Energy	0.04	0.32	0.14	0.00	0.03	0.03
Mobile	0.62	2.26	5.98	0.02	2.01	0.55
Total	**3.31**	**3.52**	**10.95**	**0.03**	**2.13**	**0.67**
County Thresholds	75	250	550	250	100	55
Significant?	**No**	**No**	**No**	**No**	**No**	**No**

Notes: Daily pollutant generation assumes distances with CalEEMod
The final numbers are all rounded within Excel and are reported as round numbers

Table 4.2-8
Expected Winter Daily Pollutant Generation

	ROG	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Area	2.65	0.95	4.83	0.01	0.10	0.10
Energy	0.04	0.32	0.14	0.00	0.03	0.03
Mobile	0.60	2.30	6.02	0.02	2.01	0.55
Total	**3.29**	**3.56**	**10.99**	**0.03**	**2.13**	**0.67**
County Thresholds	75	250	550	250	100	55
Significant?	**No**	**No**	**No**	**No**	**No**	**No**

Notes: Daily pollutant generation assumes distances with CalEEMod
The final numbers are all rounded within Excel and are reported as round numbers

Based on Table 4.2-7 and 4.2-8 findings, the project would not exceed the mass emissions significance thresholds for VOC, NO_x, CO, SO_x, PM_{10}, and $PM_{2.5}$ during operation, and therefore, project operational impacts are determined to be less than significant.

Air pollution is largely a cumulative impact and is cumulatively evaluated based on the air basin. The nonattainment status of regional pollutants is a result of past and present development, and SDAPCD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality. As discussed above, the project would not exceed SDAPCD's mass daily significance thresholds during construction or operation; therefore, the cumulative project impact would be **less than significant**.

Would the project expose sensitive receptors to substantial pollutant concentrations?

Air quality varies as a direct function of the amount of pollutants emitted into the atmosphere, the size and topography of the air basin, and the prevailing meteorological conditions. Air quality problems arise when the rate of pollutant emissions exceeds the rate of dispersion. Reduced visibility, eye irritation, and adverse health impacts upon those persons termed sensitive receptors are the most serious hazards of existing air quality conditions in the area. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. Sensitive receptors include residences, schools, playgrounds, child-care centers, athletic facilities, long-term health-care facilities, rehabilitation centers, convalescent centers, and retirement homes. The closest known sensitive receptors (residences) are located adjacent to the east and south of the boundary of the project site.

The evaluation of air quality impacts to sensitive receptors is based on the potential to result in physical health issues. The proposed project consists of residential uses that are not associated with generating substantial pollutant concentrations. As project operations would not generate substantial pollutant concentrations, this analysis is primarily focused on construction-related emissions. The air quality emissions with potential to result in health issues evaluated for the project include Toxic Air Contaminants (TACs) and Valley Fever.

Project impacts may include emissions of pollutants identified by the state and federal government as TACs or hazardous air pollutants (HAPs). State law has established the framework for California's TAC identification and control program, which is generally more stringent than the federal program and aimed at TACs that are a problem in California. The state has formally identified more than 200 substances as TACs, including the federal HAPs, and is adopting appropriate control measures for sources of these TACs. The Limited Phase II Environmental Site Assessment (Appendix K) determined no significant cancer risks or non-cancer hazards are anticipated due to the concentrations of chemicals detected during the vapor risk assessment. The

greatest potential for TAC emissions during construction would be diesel particulate emissions from heavy equipment operations and heavy-duty trucks.

Valley fever is not highly endemic to San Diego County. The project would be consistent with SDAPCD Rule 55 which limits the amount of dust generated during construction and would also control the release of the fungus from construction activities by watering three times per day and limiting speed on unpaved roads. The closest sensitive receptors are residences located adjacent to the east and south boundary of the project site. Based on the low incidence rate of valley fever in the project area and in greater San Diego County, and the project's implementation of dust control strategies, the earth-moving activities during project construction would not result in valley fever exposure to sensitive receptors.

During project construction, DPM emissions would be emitted from heavy-duty construction equipment and heavy-duty trucks. Heavy-duty construction equipment and diesel trucks are subject to CARB Airborne Toxic Control Measures to reduce DPM emissions. The AERMOD dispersion model was used to determine the concentration for air pollutants at nearby sensitive receptors. Additionally, the model predicted the maximum exposure distance and concentrations. The notable toxic air contaminant from construction is diesel exhaust since exposure to diesel exhaust is known to cause cancer and acute and chronic health effects. Diesel exhaust emissions can be estimated using the annual PM_{10} exhaust emissions from on-site construction operations obtained from the annual CalEEMod model output by summing each on-site source for the construction duration. The AERMOD files for the Project are provided in Appendix B which include the project design feature to utilize Tier 4 diesel equipment.

The California Office of Environmental Health Hazard Assessment (OEHHA) recommends that an exposure duration (residency time) of 30 years be used to estimate individual cancer risk for the Maximally Exposed Individual Resident (MEIR). OEHHA also recommends that the 30-year exposure duration be used as the basis for public notification and risk reduction audits and plans. Exposure durations of 9-years and 70-years are also recommended to be evaluated for the MEIR to show the range of cancer risk based on residency periods. If a facility is notifying the public regarding cancer risk, the 9-and 70-year cancer risk estimates are useful for people who have resided in their current residence for periods shorter and longer than 30 years. Health risk calculations are shown in Appendix B to this EIR.

Non-Cancer risks or risks defined as chronic or acute are also known with respect to DPM and are determined by the hazard index. To calculate hazard index, DPM concentration is divided by its chronic Reference Exposure Levels (REL). Where the total equals or exceeds one, a health hazard is presumed to exist. RELs are published by the Office of Environmental Health Hazard Assessment (OEHHA, February 2015). Diesel Exhaust has a REL of 5 μg/m3 and targets the respiratory system.

Utilizing the AERMOD dispersion model, the worst-case annual concentration of DPM from construction is estimated at 0.0931 µg/m3. The inhalation cancer risk for the closest residential receptor was found to be 1.85 per one million exposed which would not exceed the 10 per one million exposed significance thresholds.

There are known chronic health risks associated with diesel exhaust which are considered non-cancer risks. Risk calculations outlined in Appendix B to this EIR determined that proposed project construction would result in a Health Hazard Index of 0.0019, which is less than one, and that chronic health risk is not expected as a result of project construction. For the reasons outlined above, and calculated in Appendix B to this EIR, it is determined that potential impacts to sensitive receptors as a result of project construction would be **less than significant**.

Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The State of California Health and Safety Code, Division 26, Part 4, Chapter 3, Section 41700 SDAPCD Rule 51, and City's Municipal Code Section 13.16, commonly referred to as public nuisance law, prohibits emissions from any source whatsoever in such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to the public health or damage to property. SDAPCD also regulates project odor via SDAPCD Rule 51.

Potential on-site odor generators would only be expected during short term construction activities such as paving and possibly painting. However, the odors would be considered short term and would not result in substantial impacts as outlined in response to Threshold 3) above. During project operation, activities associated with the proposed residential development would not result in any long-term odor impacts. In addition, the project would be required to comply with the City's public nuisance law and the State of California Health and Safety Code mentioned above. Therefore, it is determined that impacts associated with odorous emissions as a result of project implementation would be **less than significant**.

4.2.5 Mitigation Measures

Impacts related to air quality as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.2.6 Level of Significance After Mitigation

No substantial impacts related to air quality were identified; therefore, no mitigation measures are required. Impacts related to air quality would be **less than significant**.

4.3 BIOLOGICAL RESOURCES

This section describes the existing biological resources of the project site and off-site improvement areas, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed Cypress Point project (proposed project). The following analysis is based on the Biological Resources Impact Analysis Report prepared for the proposed project by Merkel & Associates, Inc. (M&A) in June 2021. The Biological Resources Impact Analysis Report is included as Appendix C of this environmental impact report (EIR).

4.3.1 Existing Conditions

The project site is a vacant rectangular shaped lot that is bordered on the north and west by the San Luis Rey River Valley and on the south and east by existing residential developments. The San Luis Rey River channel is managed by the ACOE for flood control and habitat management (Appendix C). Based on the field survey described below, as well as historical and more recent aerial photographs, the project site appears to have been disked regularly since at least 2003 and possibly earlier. The entire site is heavily disturbed by regular disking as well as public use by people walking through the site and domestic pet use as evident by the dog waste throughout the site. In addition, two roadway conveyance swales occur within the project site. The project site ranges in elevations from approximately 38 to 58 feet above mean sea level. Underlying geology for the study area is mapped as Pliocene to Holocene, rock type alluvium terrace, and soils on site are mapped as Tujunga sand (0% to 5% slope) (Appendix C).

The City of Oceanside is located within the Multiple Habitat Conservation Plan (MHCP) planning area, a subregional plan for northwestern San Diego County under the California Natural Community Conservation Planning (NCCP) Act and section 10(a) of the federal ESA (AMEC et al. 2003a and 2003b). The MHCP established guidelines designed to create, manage, and monitor an ecosystem preserve in the subregional planning area through implementation of citywide "subarea" plans to be adopted by the individual jurisdictions. These subarea plans (SAPs) will describe the specific policies each city will institute for the MHCP. In exchange for these conservation actions, the participating cities will receive "take" authorization for listed species under the federal ESA and the California Endangered Species Act (CESA), as well as covered species that are not presently listed under either Act. The City of Oceanside has a draft SAP, dated 2009 that has yet to be adopted; nonetheless it is the being implemented by the City. The proposed project site is located directly adjacent to and partially within the City's Draft SAP Hardline Preserve and Wildlife Corridor Planning Zone (WCPZ) along San Luis Rey River in the northwestern corner of the project site (Figure 4.3-1).

4.3.1.1 Methodology

The biological report prepared for the project was based on a review of pertinent literature, aerial photographs, and through a field investigation. Literature review included California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB), U.S. Fish and Wildlife Service (USFWS) GIS Division species occurrences data and designated critical habitat data for the project vicinity, regional vegetation data for the project site, and geological substrates and soil types mapped on the project site (Appendix C). In addition, the review included examination of the following reports on the project site and/or in proximity to the project site: 1) Concordia Homes-Los Arbolitos Project report prepared by Merkel & Associates, Inc., dated August 28, 2020 in support of the project's application to the Federal Emergency Management Agency for a Conditional Letter of Map Revisions Based on Fill conducted on the proposed project property; 2) Biological Resources Constraints Analysis report for the City of Oceanside's Condition Assessment and Access Improvements Project prepared by Helix Environmental Planning, dated October 5, 2017; and 3) San Luis Rey Flood Control Project Whelan Mitigation Site Habitat Restoration Action Draft Supplemental Environmental Assessment and Mitigated Negative Declaration prepared by U.S. Army Corps of Engineers, dated January 2014.

Merkel & Associates, Inc. biologists conducted general biological surveys within the proposed project study area on August 7, 2020, January 8, 2021, and April 20, 2021 (Table 4.3-1). The project biological study area consisted of the proposed project site (7.3 acres) and an off-site area directly south of the project site, plus a habitat mapping buffer area of 25 feet beyond the proposed project boundary and off-site elements. Any portions of the study area that extended beyond the project site were visually surveyed from areas of public access.

Table 4.3-1
Summary of Survey Dates, Times, Conditions, and Staff

Survey	Date	Time	Weather Conditions	Biologist
General Biological Survey	August 7, 2020	1100-1600	Weather: 0%cc-0%cc Wind: BS 0-1 Temp.: 75°F -77°F	Gina M Krantz
General Biological Survey-Southern Area	January 8, 2021	1115-1215	Weather: 0%cc-0%cc Wind: BS 0-0 Temp.: 61°F-63°F	Adam H Behle
Updated General Biological Survey/ Rare Plant Survey	April 20, 2021	1000-1215	Weather: 0%cc-0%cc Wind: BS 0-1 Temp.: 66°F-66°F	Gina M Krantz/ Kyle L Ince

Notes: cc=cloud cover; BS=Beaufort Scale; F=Fahrenheit

Biological inventories are generally subject to various survey limitations. Depending on the season and time of day during which field surveys are conducted, some species may not be detected due

to temporal species variability. The biological surveys conducted for the project were performed during daylight hours and during the spring, summer and winter months; thus, some nocturnal wildlife species that were not detected by sign (e.g., tracks, scat) during day surveys may not have been detected. However, based on the data/literature review performed, as well as professional knowledge of local species-specific habitat requirements, it is anticipated that any additional species potentially present on the project site can be accurately assessed, and that the surveys conducted would be sufficient in obtaining a thorough review of the biological resources present on the project site (Appendix C).

4.3.1.2 Existing Biological Resources

Botanical Resources-Flora

Four vegetation/habitat types were identified within the project biological study area that includes the project property parcel, proposed off-site project elements, and a 25-foot habitat mapping buffer. These four vegetation/habitat types include southern willow scrub, non-native grassland, disturbed habitat and urban/developed land (Table 4.3-2; Figure 4.3-2). A description of each habitat type is provided further below. In addition, a complete list of the floral species observed within the study area and representative photographs of the project site are included in Appendix C.

MHCP habitat groups include natural or naturalized vegetation communities in the region that provide habitat for a number of native and some sensitive species of plants and animals. These habitat groups are ranked in order of sensitivity from highest (Group A) to lowest (Group F). Group A habitats are composed of wetlands and riparian habitats being the most sensitive; Group B habitats represent rare uplands; Group C represents native coastal habitats; Group D represents chaparral habitats; Group E habitats represent annual grasslands; and Group F represents all other vegetation types, including disturbed (ruderal), agricultural, and eucalyptus habitats. Habitat groups are identified for each vegetation type in Table 4.3-2 below.

Table 4.3-2
Habitats/Vegetation Communities

Vegetation Type	Holland/ Oberbauer Code	MHCP Wetland/ Upland Habitat Group	Project Property (APN:158-301-46-00) (acres)	Off-site Project Elements + 25-foot Habitat Mapping Buffer (acres)	Total Biological Study Area (acres)
Southern Willow Scrub	63320	Wetland, Habitat Group A	0.0	0.1*	0.1*
Non-native Grassland	42200	Upland, Habitat Group E	6.5	1.4	7.9
Disturbed Habitat	11300	Upland, Habitat, Group F	0.8	0.5	1.3

Table 4.3-2
Habitats/Vegetation Communities

Vegetation Type	Holland/ Oberbauer Code	MHCP Wetland/ Upland Habitat Group	Project Property (APN:158-301-46-00) (acres)	Off-site Project Elements + 25-foot Habitat Mapping Buffer (acres)	Total Biological Study Area (acres)
Urban/developed land	12000	Upland, Habitat F	0.0	1.3	1.3
		Total:	**7.3**	**3.3**	**10.6**

Source: Appendix C
* Limited to the 25-foot habitat mapping buffer only; not located within the proposed off-site project element area.

Southern Willow Scrub

This wetland habitat is not located within the project site or study area but rather is limited to the 25-foot habitat mapping buffer provided for context (Figure 4.3-2). Southern willow scrub occurs throughout the San Luis Rey river within the flood berm limits as well as the expanded riparian area on the east side of the berm that is located off site and directly southwest of the project site. This habitat in proximity to the project site is dominated by arroyo willow (*Salix lasiolepis*), mule fat (*Baccharis salicifolia*), and narrow-leaved willow (*Salix exigua*), as well as non-native species such as tamarisk (*Tamarix* sp.) and mustards (i.e., *Brassica nigra*, *Hirschfeldia incana*).

Non-native Grassland

The majority of the project site was mapped as non-native grassland (Figure 4.3-2). The entire site has been historically and recently disked, as evident by the general pattern of rows in the vegetation. This habitat was dominated by non-native grass and forb species including slender wild oat (*Avena barbata*), ripgut grass (*Bromus diandrus*), garland (*Glebionis coronaria)*, black mustard (*Brassica nigra*), and flax-leaf fleabane (*Erigeron bonariensis*), as well as weedy native species such as telegraph weed (*Heterotheca grandiflora*) and western ragweed (*Ambrosia psilostachyia*).

Disturbed Habitat

Several dirt access paths occur either across or along the property boundaries and are mapped as disturbed habitat due to the lack of vegetation (Figure 4.3-2). One linear area that bisects the site in the northern portion where a moderate sized ditch occurs is mapped as disturbed habitat since the ditch bottom is sandy with some weedy non-native vegetation cover (e.g., cut-leaf goosefoot, (*Dysphania multifida*), filaree (*Erodium* spp.), cheeseweed (*Malva parviflora*).

Urban/Developed

Areas of roadways, concrete brow ditches, adjacent residential homes, and the San Luis Rey bike trail that occur within the biological study area (not necessarily within the project property parcel) are mapped as urban/developed land.

General Wildlife Species

Common urban adapted bird species such as Say's phoebe (*Sayornis saya*), house finch (*Haemorhous mexicanus)*, and Cassin's kingbird (*Tyrannus vociferans)* were observed and/or detected on site. Many harvester ant (*Pogonomyrme* sp.) and Botta's gopher (*Thomomys bottae*) mounds occur throughout the site, as well as burrows that likely are occupied by California ground squirrel (*Spermophilus beecheyi nudipes*).

Two raptor species, American kestrel (*Falco sparverius*) and Cooper's hawk (*Accipiter cooperii*), were observed off site either perched or flying over the general area including the surrounding residential developments. The American kestrel was observed perching on a light post located on the southern border of the study area while the Cooper's hawk was observed flying over the site near the SLR as well as perched within larger palms trees within the adjacent residential area to the south of the project site. No potential raptor nesting habitat occurs within the project site. Although no raptor foraging was observed on site during field surveys, the on-site non-native grassland may function as potential raptor foraging habitat since it supports raptor prey such as gophers and squirrels, and likely a variety of common herpetofauna.

The only reptile species observed on site was the side-blotched lizard (*Uta stansburiana*); however, other common reptile species, such as the western fence lizard (*Sceloporus occidentalis*) and southern alligator lizard (*Elgaria multicarinata*) may potentially be present on site. No amphibians were observed within the project site during the field surveys; however, a few common and urban adapted amphibian species may be present in small numbers, such as the garden slender salamander (*Batrachoseps major major*). Further, the Baja California treefrog (*Pseudacris hypochondriaca)* was detected by call in the off-site adjacent riparian habitat; this species is a common amphibian that is not expected to occur on site due to the lack of potentially suitable habitat.

The complete list of faunal species observed or detected on site during the field surveys as well as representative photographs of the project site are included in Appendix C.

Special Status Species

Special status species are those considered sensitive by the City or any state or federal agency. For the purposes of this report, species listed as endangered or threatened under the federal Endangered Species Act (ESA) and California Endangered Species Act (CESA); species designated as

California Special Concern species or Fully Protected species by the CDFW; and species listed as MHCP narrow endemics by the City of Oceanside (2009) are considered "sensitive". Species considered rare by the California Native Plant Society as California Rare Plant Rank (CRPR) species (2020) or as Special Plants or Animals in the CNDDB (CDFW 2021b; 2020a), may be considered "sensitive" if they meet the CEQA Guidelines §15380 (Title 14, Chapter 3, Article 20) definition for "endangered, rare or threatened species".

Floral Species

No special status plant species were identified on the project site during the biological surveys conducted on site and none have at least a moderate potential to occur on site based on a lack of potentially suitable habitat, soils, and/or other conditions; as well as the lack of known records in the project area (Appendix C).

Fauna Species

No special status fauna species were identified based on the field surveys conducted on site and none have at least a moderate potential to occur on site based on a lack of potentially suitable habitat and/or conditions and the lack of known records on site (Appendix C).

Further, there is no suitable habitat within the project site to support any federally listed species including least Bell's vireo (vireo), southwestern willow flycatcher (flycatcher), and/or light-footed Ridgway's rail (rail). These federally listed species only occur off site within the adjacent riparian habitat in the San Luis Rey River channel to the west and north of the project site and are well documented within the flood control channel that is separated from the property by an elevated levee hosting a public bikeway, except in one distinct area to the southwest of the project site. Several USFWS records of the vireo occur off site within the San Luis Rey River channel at least 100 feet from the Project site and one USFWS record of the flycatcher as well as one USFWS record of rail occurs within the San Luis Rey River located at least 800 feet and 650 feet, respectively to the northeast of the proposed project site. In addition, no sign (i.e., scat, pellets, feathers) or other evidence of burrowing owl (*Athene cunicularia*) was identified within the project site.

Jurisdictional Wetlands Resources

During the general biological surveys, the project site was evaluated by qualified wetland biologists to identify potential jurisdictional wetlands and/or non-wetland resources on the project site, and their potential connection to any off-site hydrological resources within San Luis Rey River. In addition, the overall landforms, slopes, soils, and climatic/hydrological conditions present on the project site were assessed on site in relation to the presence of potential wetland resources. Based on the field surveys, no wetland hydrophytic vegetation or wetland hydrology were observed on site and thus no wetland resources are expected to be located within the project

site or proposed project footprint; however, jurisdictional wetland habitat mapped as southern willow scrub occurs off site in close proximity to the existing and proposed Pala Road ditch storm water outfall in the southern portion of the study area (Figure 4.3-2). The existing storm water pipe outfall is not located within a jurisdictional wetland habitat; however, approximately 8-10 feet of the existing outlet pipe is located within a CDFW streambank that supports disturbed habitat, a jurisdictional non-wetland resource. Appendix C provides representative project site photos.

Further, there are two roadside ditches within uplands on site that drain storm water runoff from the adjacent residential roadways (i.e., Aspen Road and Pala Road) mapped as disturbed habitat based on the dominance of bare ground and/or weedy upland species. No wetland hydrophytic vegetation or naturally occurring hydrology was observed to be associated with these man-made ditches. Although there was evidence or observation of hydrology in a portion of the Pala Road ditch closest to Pala Road, the source of water was from the road surface either from urban runoff or as a result of a storm event as thus would not be considered wetland hydrology. The existing manmade storm water drainage system collects overland flow from the surrounding streets which is conveyed into the ditches. The Pala Road ditch is conveyed to an undersized inlet structure and storm drain pipe that discharges through an existing undersized outlet in the southern portion. The Aspen road ditch does not have an associated storm drain pipe or outlet. Based on the lack of dominant wetland vegetation, wetland hydrology and the conveyance of these roadside ditches are not jurisdictional wetland or non-wetland resources (Appendix C).

Wildlife Corridors

Wildlife corridors are important in preserving species diversity. In the absence of corridors, habitats become isolated islands surrounded by development. Fragmented habitats support lower numbers of species and increase the likelihood of extinction for species restricted to small areas. Connections between areas of open space are integral to maintaining biological diversity and population viability. For the purposes of this report, wildlife corridor is defined as, a linear landscape feature utilized by resident or transient wildlife for movement between two blocks of habitat.

The proposed project site is located adjacent to the San Luis Rey (SLR) River, a regional wildlife habitat corridor known to support a large population of vireo. The adjacent SLR habitat regional corridor overlaps with a portion of the gnatcatcher regional corridor within the WCPZ in the project area to the west (Figure 4.3-1). The SLR flood control berm and bike trail on top of the berm physically separates the proposed project site from the SLR river corridor (Figure 4.3-2). The project site is part of a narrow configuration of undeveloped lands east of the river between the SLR flood control berm and existing residential developments to the east and south. Although the project site may facilitate wildlife movement of urban adapted wildlife species due to the flat and open terrain and proximity to SLR river habitat, its proximity to existing urban development, narrow configuration, regular human and dog use, and separation from the SLR river by the large flood control berm/bike trail limits its function and value as a part of the adjacent regional wildlife corridor.

4.3.2 Regulatory Setting

Federal

Endangered Species Act

The federal Endangered Species Act (ESA) of 1973 designates threatened and endangered animals and plant species and provides measures for their protection and recovery. Under the ESA, "take" of listed animal and plant species in areas under federal jurisdiction is prohibited without obtaining a federal permit. The ESA defines "take" as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct" (16 USC 1531). Harm includes any act that actually kills or injures fish or wildlife, including significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife. Activities that damage (i.e., harm) the habitat of listed wildlife species require approval from USFWS for terrestrial species. If critical habitat has been designated under the ESA for listed species, impacts to areas that contain the primary constituent elements identified for the species, whether or not it is currently present, is also prohibited without obtaining a federal permit. ESA, Sections 7 and 10, provide two pathways for obtaining permission to take listed species.

Clean Water Act

The CWA is intended to restore and maintain the quality and biological integrity of the nation's waters. Section 402 of the CWA prohibits the discharge of pollutants to "waters of the United States" from any point source unless the discharge is in compliance with a National Pollutant Discharge Elimination System Permit. The CWA, Section 402, requires a National Pollutant Discharge Elimination System Permit for the discharge of stormwater from municipal separate storm sewer systems serving urban areas with a population greater than 100,000, construction sites that disturb one acre or more, and industrial facilities. The RWQCB administers these permits with oversight provided by the State Water Resources Control Board and U.S. Environmental Protection Agency Region IX.

Section 404 of the CWA authorizes the Secretary of the Army, acting through ACOE, to issue permits regulating the discharge of dredged or fill materials into the "navigable waters at specified disposal sites." CWA Section 502 further defines "navigable waters" as "waters of the United States, including territorial seas." Waters of the United States are broadly defined in the Code of Federal Regulations (CFR), Title 33, Section 328.3, Subdivision (a), to include navigable waters; perennial and intermittent streams, lakes, rivers, and ponds; and wetlands, marshes, and wet meadows.

Section 401 of the CWA requires that an applicant for a federal license or permit to discharge into navigable waters provide the federal agency with a water quality certification declaring that the discharge would comply with water quality standard requirements of the CWA. ACOE is prohibited from issuing a CWA permit until the applicant receives a CWA, Section 401, water quality certification or waiver from the RWQCB.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC 703 et seq.) is a federal statute that implements treaties with several countries on the conservation and protection of migratory birds. The number of bird species covered by the MBTA is extensive and is listed in 50 CFR 10.13. The regulatory definition of "migratory bird" is broad and includes any mutation or hybrid of a listed species and includes any part, egg, or nest of such bird (50 CFR 10.12). Migratory birds are not necessarily federally listed endangered or threatened birds under the ESA. The MBTA, which is enforced by USFWS, makes it unlawful "by any means or in any manner, to pursue, hunt, take, capture, [or] kill" any migratory bird or attempt such actions, except as permitted by regulation. The applicable regulations prohibit the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities, except under a valid permit or as permitted in the implementing regulations (50 CFR 21.11).[1]

Jurisdictional Waters of the United States, Including Wetlands

Pursuant to Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (ACOE) regulates the discharge of dredged and/or fill material into "waters of the United States." The ACOE regulates traditional navigable waters, adjacent wetlands, and relatively permanent waters tributary to traditional navigable waters and adjacent wetlands. For impacts to wetlands or waters under ACOE jurisdiction, either an Individual Permit or a Nationwide Permit will be required in accordance with Section 404 of the Clean Water Act.

State

California Department of Fish and Wildlife

Under Section 1602 of the California Fish and Game Code, the CDFW regulates activities that would divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. CDFW has jurisdiction over riparian habitats (e.g., mulefat scrub) associated with watercourses. Jurisdictional waters are delineated by the outer edge of riparian vegetation or at the top of the bank of streams or lakes, whichever is wider. CDFW jurisdiction does not include tidal areas or isolated resources.

Per Section 3503 of the California Fish and Game Code, CDFW also regulates nesting birds and their nests. This code specifically states it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant

[1] In December 2017, Department of Interior Principal Deputy Solicitor Jorjani issued a memorandum (M-37050) that interprets the MBTA to only prohibit intentional take (DOI 2017). Similarly, the Ninth Circuit Court of Appeals, like the Fifth Circuit and the Eighth Circuit, has held that the MBTA applies only to intended takes. *See Seattle Audubon Soc'y v. Evans*, 952 F.2d 297, 303 (9th Cir. 1991). Due to challenges to these findings, the MBTA information is included herein to be conservative.

thereto. Per Section 3503.5 of the California Fish and Game Code, it is also specifically unlawful to take nests of Falconiformes or Strigiformes (birds-of-prey).

California Endangered Species Act

CDFW administers the California ESA (California Fish and Game Code, Section 2050 et seq.), which prohibits the take of plant and animal species designated by the Fish and Game Commission as endangered or threatened in California. Under the California ESA, Section 86, take is defined as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." California ESA, Section 2053, stipulates that state agencies may not approve projects that would "jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat which would prevent jeopardy."

California ESA, Sections 2080 through 2085, address the taking of threatened, endangered, or candidate species by stating, "No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the Commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided in this chapter, the Native Plant Protection Act (California Fish and Game Code, Sections 1900–1913), or the California Desert Native Plants Act (Food and Agricultural Code, Section 80001)."

Regional Water Quality Control Board

The Regional Water Quality Control Boards (RWQCBs) administer permits pursuant to the Clean Water Act. The RWQCBs also play a role in review of water quality and wetland issues, including avoidance and minimization of impacts. Section 401 certification is required prior to the issuance of a Section 404 permit. Permits requiring Section 401 certification include ACOE Section 404 permits and National Pollutant Discharge Elimination System permits issued by the Environmental Protection Agency (EPA) under Section 402 of the Clean Water Act. National Pollutant Discharge Elimination System permits are issued by the applicable RWQCB. The City of Oceanside is within the jurisdiction of the San Diego RWQCB (Region 9).

Local

North County Multiple Habitat Conservation Program

The Multiple Habitat Conservation Program (MHCP) is a comprehensive, long-term regional habitat conservation plan established to protect sensitive species and habitats in northern San Diego County. The MHCP is one of three, large multiple-jurisdictional habitat planning efforts in

San Diego County; those being the South County Plan, the North County Plan, and the East County Plan. Each of these constitutes a subregional plan under the State of California's Natural Community Conservation Planning (NCCP) Act of 1991. The MHCP encompasses the Cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. The program goals are to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46%) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened, or endangered species (SANDAG 2003). The MHCP sets forth general and subarea conditions of coverage that must be met for each covered species in order for the cities to obtain take authorization.

Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan

The overall goal of the Oceanside Subarea Plan is to contribute to regional biodiversity and the viability of rare, unique or sensitive biological resources throughout the City of Oceanside and the larger region while allowing public and private development to occur consistent with the City's General Plan and Capital Improvement Program. In addition, the plan calls for the conservation of 90% to 100% of all hardline conservation areas, conservation of a minimum of 2,511 acres of existing native habitats as a biological preserve in the City of Oceanside, conservation of a minimum of 95% of rare and narrow endemic species populations within the preserve and a minimum of 80% throughout the City as a whole, and restoration of a minimum of 164 acres of coastal sage scrub habitat within the City, of which 145 acres will be within a wildlife corridor planning zone. Parcels within the wildlife corridor planning zone contribute to the north–south regional coastal California gnatcatcher (*Polioptila californica californica*) steppingstone corridor. Although the Oceanside Subarea Plan is used as a guidance document for development projects in the City of Oceanside, the Subarea Plan has yet to be approved by the city council, and incidental take authority has therefore not been transferred to the City of Oceanside from USFWS and CDFW.

The Oceanside Subarea Plan identifies undeveloped lands within the City where conservation and management will achieve the Subarea Plan biological goals while minimizing adverse effects on lands uses, economics, or private property rights. In addition, the Subarea Plan establishes preserve planning zones, the existing biological conditions and goals of which were used as foundations for their designation. However, the zones are defined for effective implementation of the Subarea Plan.

In addition to preserve planning zones, the Subarea Plan also identifies specific "hardline" and "softline" preserves. Generally, hardline preserves are areas that are already preserved to Subarea Plan standards and softline preserves are areas specifically targeted for preservation through application of Subarea Plan standards and policies.

City of Oceanside General Plan

The City's General Plan Land Use Element contains environmental resource management objectives and policies pertaining to biological resources (City of Oceanside 2002). Applicable objectives and policies include the following:

> **Vegetation and Wildlife Habitats, Objective:** Recognition and preservation of significant areas with regard to vegetation and wildlife habitats.
>
> > **Policy 3.11A:** A biological survey report, including a field survey, shall be required for a proposed project site if the site is largely or totally in a natural state or if high interest specifies of plants or animals have been found on nearby properties.
> >
> > **Policy 3.11B:** Where appropriate, the City shall apply open space land use designations and open space zoning to areas of significant scenic, ecological, or recreational value.
> >
> > **Policy 3.11C:** In areas where vegetation or wildlife habitat modification if inevitable, mitigation and/or compensatory measures such as native plant restoration, land reclamation, habitat replacement, or land interest donation would be considered.
> >
> > **Policy 3.11D:** Areas containing unique vegetation or wildlife habitats shall receive a high priority for preservation.
> >
> > **Policy 3.11E:** Specific plans shall be developed in conjunction with regional and County agencies where appropriate, for areas where there is occurrence of endangered or threatened species.

The Environmental Resource Management Element of the City's General Plan also contain long-range policy direct and action programs with respect to biological resources. The Environmental Resource Management Element contains a workable program designed to conserve natural resources and preserve open space. The long-range policy direction for biological resources is:

Vegetation and Wildlife Habitats, Long-Range Objective: Conserve and enhance vegetation and wildlife habitats, especially areas of rare, endangered, or threatened species.

4.3.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to biological resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to biological resources would occur if the proposed project would:

1. 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 U.S. Fish and Wildlife Service?
2. 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 or U.S. Fish and Wildlife Service.
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. 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.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.3.4 Impacts Analysis

For the purposes of biological resources impact analysis, direct, indirect, and cumulative impacts are defined as the following:

Direct impacts refer to the permanent loss of on-site habitat and the plant and wildlife species that it contains. All biological resources within the direct permanent impact area are considered 100% lost. Direct impacts were quantified by overlaying the project footprint (including off-site areas) onto the biological resources map of the site. The proposed development of the entire site is considered to be a direct permanent impact.

Indirect Impacts refer to off-site and on-site "edge effects" that are short-term (i.e., not permanent) as a result of project construction or long-term (i.e., permanent) due to the design of the proposed project and the effects it may have to adjacent resources. For the proposed project, it is assumed that the potential indirect impacts would result from construction activities such as

dust, noise, and general human presence that may temporarily disrupt species and habitat vitality and construction-related soil erosion and runoff. With respect to these latter factors, however, project grading would be subject to the typical restrictions (e.g., best management practices) and requirements that address erosion and runoff, including the federal Clean Water Act, National Pollution Discharge Elimination System (NPDES), and preparation of a Stormwater Pollution Prevention Plan (SWPPP).

Cumulative Impacts refer to incremental individual environmental effects of two or more projects when considered together. These impacts taken individually may be minor but collectively significant as they occur over a period of time.

Would the project 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 U.S. Fish and Wildlife Service?

As described in Section 4.3.1.1 above, potential project impacts were evaluated based on examination of the proposed project plans within the context of the biological resources documented during the field surveys, and those biological resources known to occur or assessed as having a likely potential to occur in the project area. Direct impacts were determined by overlaying the project plans on the mapped vegetation communities/habitats in GIS ESRI software platforms. Indirect impacts were determined based on the design, intended use, and location of the proposed project elements relative to biological resources.

Direct Impacts

Habitats and Vegetation Communities

Implementation of the proposed project would result in 7.0 acres of direct impacts to non-native grassland (MHCP/SAP Habitat Group E) due to vegetation clearing, grubbing, and grading construction activities, as shown in Table 4.3-3 below.

Table 4.3-3
Habitat/Vegetation Community Project Direct Impacts and Proposed Mitigation

Vegetation Type	MHCP Wetland/ Upland Habitat Group	Total Biological Study Area (acres)	Proposed Direct Permanent Impacts (acres)					City of Oceanside Mitigation Ratio	Proposed Mitigation (acres)
			On-site Property Parcel	*Off site*	*Total*				
					Inside WCPZ[1]	Outside WCPZ	Grand Total		
Southern Willow Scrub	Wetland, Habitat Group A	0.1	0.0	0.0	0.0	0.0	0.0	3:1	0.0

Table 4.3-3
Habitat/Vegetation Community Project Direct Impacts and Proposed Mitigation

Vegetation Type	MHCP Wetland/ Upland Habitat Group	Total Biological Study Area (acres)	Proposed Direct Permanent Impacts (acres)					City of Oceanside Mitigation Ratio	Proposed Mitigation (acres)
			On-site Property Parcel	*Off site*	*Total*				
					Inside WCPZ[1]	Outside WCPZ	Grand Total		
Non-native Grassland	Upland, Habitat Group E	7.9	6.3	0.7	0.7[2]	6.3	7.0	0.5:1	3.5
Disturbed Habitat	Upland, Habitat Group F	1.3	0.5	0.2	0.3[2]	0.4	0.7	None[3]	0.0
Urban/ Developed Land	Upland, Habitat Group F	1.3	0.0	0.2	0.0	0.2	0.2	None	0.0
Total:		**10.3**	**6.8**	**1.1**	**0.10**	**6.9**	**7.9**		**3.5**

1 Impacts within the City's WCPZ should be avoided as much as possible and minimize any unavoidable impacts. Upland habitat that is conserved and managed on site in this zone may be used to satisfy in-kind mitigation obligations associated with impacts to upland habitats located on site.

2 Impacts inside WCPZ to non-native grassland (0.7 acre) is entirely on site; impacts to disturbed habitat inside WCPZ consists of 0.2 acre on site and 0.1-acre off site stormwater outfall work

3 May be subject to Habitat Development Fee.

Although the on-site non-native grassland, as described in Section 4.3.1 above, has limited biological function and value, it is considered to be a sensitive habitat type; therefore, project impacts to non-native grassland would be considered **potentially significant** and would require mitigation measures to reduce impacts to a level below significance. Implementation of mitigation measure **MM-BIO-1** outlined in Section 4.3.5 below would be required.

Additional impacts to disturbed habitat and urban/developed areas would not be significant under CEQA since these habitats do not support special status species on site, and regionally, are not considered to have high conservation value requiring mitigation.

Special-Status Plant Species

No special status plant species or narrow endemic species were identified on site, and none have at least a moderate potential to occur on site based predominately on the lack of potentially suitable habitat, soil, and/or other conditions. In addition, no other special status plant species were determined to have at least a moderate potential to occur within the project site. Therefore, project impacts to special-status plant species are determined to be **less than significant**.

Special-Status Wildlife Species

No special status wildlife species were observed and/or detected within the proposed project site and none have at least a moderate potential to occur on site predominately based on the lack of potentially suitable habitat and/or conditions on site. Therefore, implementation of the project is not expected to impact any special status wildlife species on site.

The three federally listed species (i.e., vireo, rail, and flycatcher) that occur off site within the adjacent riparian habitat in the San Luis Rey River channel are well documented within the flood control channel that is separated from the project property by an elevated levee hosting a public bikeway. The proposed project would be required to incorporate measures to control elevated noise or fugitive dust during the vireo, rail, and flycatcher breeding season to avoid any adverse effects to breeding vireo, rail, and flycatcher within the San Luis Rey River habitat located adjacent to the project site. The following proposed avoidance actions would be implemented by the project and are consistent with the following conditions of coverage and measures for these species from the City of Oceanside MHCP Draft SAP (Appendix A; Section 5.2.8):

- Construction activities that may result in elevated noise levels and/or fugitive dust shall be avoided during the breeding season for vireo and flycatcher (March 15 to September 15; May 1 to September 15, respectively), if feasible;
- If avoidance of construction activities during the breeding season is not feasible, then construction noise levels at the riparian canopy edge shall be kept below 60 dBA Leq from 5am to 11am during the peak nesting period of March 15 to July 15 (vireo) and May 1 to September 15 (flycatcher). For the balance of the day/season, the noise levels shall not exceed 60 decibels, averaged over a 1-hour period on an A- weighted decibel (i.e., 1 hour Leq/dBA). Noise levels shall be monitored and monitoring reports shall be provided to the City of Oceanside, USFWS, and CDFW. Noise levels in excess of this threshold shall require written concurrence from the USFWS and CDFW and may require additional minimization/mitigation measures;
- If avoidance of construction activities during the breeding season is not feasible, then fugitive dust will be minimized through watering and other appropriate measures; and
- The project applicant shall retain a City-approved biologist to be present on site during project construction within 500 feet of preserved habitats to ensure compliance with all applicable measures.

In addition to the avoidance measures listed above, avoidance of inadvertent direct impacts to sensitive habitat outside the proposed project footprint would be ensured by implementation of MM-BIO-2 and MM-BIO-3 outlined in Section 4.3.5 below. Without implementation of these

mitigation measures, project impacts to sensitive habitat outside the proposed project footprint would be **potentially significant**.

No raptor nesting activities or potential raptor nests of any sensitive raptor species including Cooper's hawk were observed on site. No potential nesting habitat for sensitive raptor species including Cooper's hawk is located on site and thus no raptor nesting habitat or nesting raptors would be impacted as a result of the project. Further, no indirect impacts such as construction elevated noise levels during the breeding season would affect nesting sensitive raptors since none are expected to nest on site and the project proposes to avoid the majority of the breeding season, as described above. However, since the project would result in the loss of 7 acres of non-native grassland that may function as potential raptor foraging habitat, impacts to potential raptor foraging habitat would be considered a **potentially significant** impact. Implementation of mitigation measures MM-BIO-1 and MM-BIO-4 would be required.

Indirect Impacts

In association with direct impacts to native vegetation communities, there are usually indirect impacts to the remaining native vegetation and wildlife communities. Many of these are related to habitat fragmentation, which occurs when a native vegetation community is not entirely altered or developed, but what remains has a diminished wildlife habitat value due to edge effects and lack of connectivity. Edge effects may include increased predation pressure, increased brood parasitism, increased competition for nesting cavities from non-native species, and increased floral competition from weedy species. Outside of those effects associated with fragmentation, indirect impacts may include elevated noise above 60 dBA Leq, increased artificial night lighting within wildlife habitat, increased human disturbance, change in duration and amount of surface water within a floodplain, and increased erosion or sedimentation. These types of indirect impacts can affect vegetation communities or alter habitat use by sensitive species. Although there is already a substantial amount of edge effects from the surrounding existing residential developments to the adjacent Preserve (e.g., increased domestic pet predation pressure, human disturbance, elevated noise levels, increased artificial night lighting), the proposed project may exacerbate existing edge effects such as increased artificial night lighting and increased competition from weedy species. The proposed project includes the following design features to avoid and/or minimize these potential indirect impacts and as such is not expected to be significant under CEQA:

- Placement of 6-foot-high masonry walls at the top of slope along the project perimeter in the northwest corner to minimize potential lighting and noise impacts and avoid human access to the SLR River buffer;
- Planting, maintenance, and monitoring of several western sycamore trees along the northern and western project property boundaries (outside and setback from the existing SLR River levee and sewer mains in proximity) to minimize potential lighting and noise

impacts; placement of 6-foot-high fencing along remainder of proposed project northern and western boundaries to avoid or minimize human access to the SLR River buffer;

- No streetlights are required throughout the interior project streets and therefore none are proposed (one exception along Pala Road where one streetlight is proposed for safety reasons);
- Proposed lighting on homes would be directed downward and shielded to avoid light spill into the adjacent Preserve/WCPZ. Further, proposed lighting on homes would use the lowest intensity lighting appropriate for the task and use lights with little to no blue wavelengths and warmer color temperatures (e.g., low-pressure sodium lights) where feasible.
- The project Concept Landscape Plan (Figure 3-2) includes a proposed plant palette that does not include invasive non-native plant species on the California Exotic Pest Plant Council List of Exotic Pest Plants of Greatest Ecological Concern in California and the Subarea Plan that could spread into the adjacent Preserve. Due to the project size and proximity to the Preserve (within 500 feet), all proposed project landscaping consists of native plant species appropriate for the project area and consistent with Subarea Plan. Further, the Landscape Plan includes an irrigation plan that demonstrates how the proposed project irrigation shall be contained to the project development and shall not drain or overspray resulting in potential spread of invasive plant species, erosion, and/or non-native species such as Argentine ants.

With implementation of these proposed design features, indirect impacts are determined to be **less than significant**.

Would the project 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 or U.S. Fish and Wildlife Service?

Direct Impacts

The proposed project impact footprint is in close proximity to only one area (i.e., Pala Road extension) near riparian habitat that supports least Bell's vireo and other known special status species. It is in this area that there is a potential to inadvertently directly impact habitat of known special species in this area. Although this potential direct impact is not expected, it may occur inadvertently during construction and would be considered a **potentially significant impact**. Mitigation Measures **MM-BIO-2** and **MM-BIO-3** outlined in Section 4.3.5 below would be required to ensure potential impacts are reduced.

Implementation of the project would not result in significant impacts to designated critical habitat for vireo or any other listed species since the proposed project development footprint is located

outside although in close proximity to the adjacent critical habitat. Critical habitat designation only affects federal actions and does not have a bearing on actions undertaken by private parties or non-federal agencies where there is no controlling federal nexus (e.g. funding, regulatory, land ownership, etc.). The proposed project does not propose any federal actions or activities such as dredge/fill that would require acquisition of a Clean Water Act, section 404 permit; thus, it is not expected that critical habitat designations would be applicable to the proposed project.

Indirect Impacts

As outlined in response to Threshold 1, *Indirect Impacts*, above, there is already a substantial amount of edge effects from the surrounding existing residential developments to the adjacent Preserve (e.g., increased domestic pet predation pressure, human disturbance, elevated noise levels, increased artificial night lighting). The proposed project may exacerbate existing edge effects such as increased artificial night lighting and increased competition from weedy species. However, implementation of the design features outlined above would avoid and/or minimize these potential indirect impacts to riparian habitat or sensitive natural communities off-site. Therefore, indirect impacts are determined to be **less than significant** with incorporation of project design features.

Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Implementation of the proposed project would avoid impacts to jurisdictional wetland habitat (i.e., southern willow scrub) located in close proximity to the proposed off-site stormwater outfall and dissipator in the southwestern portion of the project study area (Figure 4.3-3). The proposed project impact footprint of the storm water outfall/dissipator is in close proximity to only one small area of southern willow scrub, a jurisdictional wetland resource. It is in this area that there is a potential to inadvertently directly impact adjacent jurisdictional habitat. Although this potential direct impact is not expected, it may occur inadvertently during construction and would be considered **potentially significant**, and therefore would require mitigation. The proposed storm water outfall/dissipator would only impact jurisdictional CDFW streambank, and not ACOE and/or RWQCB jurisdictional wetland habitat. Therefore, project notification to CDFW and the potential completion of a Streambed Alteration Agreement with CDFW may be required for regulatory compliance. Implementation of mitigation measures MM-BIO-2 and MM-BIO-3 outlined in Section 4.3.5 below would be required.

Would the project 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?

The proposed project site is located adjacent to the San Luis Rey River, a regional wildlife habitat corridor known to support a large population of vireo that is included in the City's SLR Hardline Preserve (Preserve) as well as a portion of the gnatcatcher regional corridor within the WCPZ (a planning zone for a regional stepping stone corridor, SAP Figure 3-6) that overlaps with the SLR River corridor in the project area (Figure 4.3-1).

Although the project site may facilitate wildlife movement of urban adapted wildlife species due to the flat and open terrain and proximity to SLR river habitat, its proximity to existing urban development, narrow configuration, regular human and dog use, and separation from the SLR river by the large flood control berm/bike trail limits its function and value as a part of the adjacent regional wildlife corridor.

The project proposes to avoid the northwestern corner of the project property to accommodate the encroachment of the Preserve/WCPZ within the 100-foot riparian habitat buffer that also includes the existing flood berm/trail and brow ditch in this area. The project also proposes appropriate retaining walls and fencing along this boundary to restrict human access into the corridor and to ensure that project fuel management requirements would not directly impact the adjacent wildlife corridor. Further, several western sycamore trees would be planted along the northern and western project property boundaries to minimize potential lighting and noise impacts to the adjacent riparian corridor, and proposed lighting on homes would be directed downward and shielded to avoid light spill into the adjacent wildlife corridor.

The project site is not expected to substantially limit access to potential foraging or breeding habitat, or water sources necessary for the successful reproduction of resident wildlife species within the SLR regional corridor predominately since the project retains a setback and access to the SLR habitat corridor for wildlife through the riparian corridor, the existing flood berm/trail and lands adjacent to the berm that remain relatively open and accessible. Although the proposed project would reduce the amount of undeveloped lands adjacent to the SLR regional corridor, it is not expected to significantly impact the function and value of the adjacent SLR corridor predominately due the urban tolerant nature of the wildlife species that are expected to use the project site to access the SLR corridor and the existing urban conditions that will not substantially change after implementation of the project.

However, although the proposed project would avoid any direct impacts to migratory birds and/or raptors protected under the federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3513, removal of habitat that supports active nests on the proposed area of

disturbance may result in potential impacts. If removal of habitat on the proposed area of disturbance doesn't occur during the breeding season (breeding season is defined as January 15–August 31 for raptor species and February 15–August 15 for other non-raptor birds (excluding listed species)), then impacts would be **potentially significant**. Implementation of MM-BIO-4 would ensure potential impacts would be reduced.

Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The City's General Plan biological policies are identified in Section 4.3.2, as well as Table 4.10-1 in Chapter 4.10 of this EIR. In accordance with General Plan Policy 3.11A, a biological survey report was completed for the project (Appendix C), and the result of its analysis has been incorporated into this EIR. The biological report includes field surveys, jurisdictional delineation, and literature review to assess potential impacts to sensitive biological resources that would result from implementation of the proposed project. The report and associated surveys conducted were performed in accordance with applicable plans, policies, and ordinances set forth by the Wildlife Agencies and the City, as well as current industry standards. Thus, the project is in compliance with General Plan Policy 3.11A.

General Plan Policy 3.11C requires the preservation of biological resources or, where vegetation and habitat modification is inevitable, appropriate mitigation for potential impacts. As described in Appendix C and in this section, the proposed project would have potentially significant impacts to sensitive biological resources (nesting birds, raptor foraging, non-native grassland and sensitive habitat outside the project boundary). Appropriate mitigation measures are consistent with the Draft Oceanside Subarea Plan and in compliance applicable federal, state, and local codes are required and incorporated into this EIR. With implementation of MM-BIO-1through MM-BIO-4 outlined in Section 4.3.5 below, the project would be in compliance with General Plan Policy 3.11C.

The site does not constitute unique vegetation or wildlife habitats; or significant scenic, ecological, or recreational value; or contain endangered or threatened species that are addressed in the General Plan Policies 3.11B, 3.11D and 3.11E. Therefore, the project would not conflict with General Plan Policies 3.11B, 3.11D and 3.11E.

The City of Oceanside Landscape regulations require a Tree Survey showing all existing trees on a project site to be relocated or removed, labeled with tree type, quantities, and diameter at breast height (DBH) for canopy trees and/ or brown trunk height (BTH) for palms. The city requires a 1:1 replacement ratio for all DBH and BTH removed. As previously described, the project site as it exists is heavily disturbed and does not include any trees on-site. As shown in Figure 3-2 in Chapter 3 of this EIR, the project proposes a detailed landscape plan for the site, including trees

along the eastern boundary, along access frontage, and throughout the development. As no trees would need to be removed from the site as a result of project construction, the project would not conflict with the City's Landscape regulations and a Tree Survey would not be required. Furthermore, as described above, the project Concept Landscape Plan (Figure 3-2) includes a proposed plant palette that does not include invasive non-native plant species on the California Exotic Pest Plant Council List of Exotic Pest Plants of Greatest Ecological Concern in California that could spread into the adjacent Preserve. Due to the project size and proximity to the Preserve (within 500 feet), all proposed project landscaping consists of native plant species appropriate for the project area and consistent with the Subarea Plan. Additionally, the Landscape Plan includes an irrigation plan that demonstrates how the proposed project irrigation shall be contained to the project development and shall not drain or overspray resulting in potential spread of invasive plant species, erosion, and/or non-native species such as Argentine ants.

Overall, with implementation of proposed mitigation, the proposed project would not conflict with any local policies or ordinances protecting biological resources. Therefore, impacts would be **potentially significant** prior to mitigation.

Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The proposed project was assessed to ensure consistency with the City of Oceanside MHCP Draft SAP by reviewing the applicable SAP standards against the proposed project. The proposed project is located predominately adjacent to and partially within the City's Draft SAP Hardline Preserve and WCPZ that includes the SLR River corridor that supports a variety of native wildlife including listed bird species; the project site does not support narrow endemic species or wetlands but is located adjacent to wetland habitat. The proposed project includes implementation of the project Concordia Homes-Cypress Point Project–San Luis Rey River Buffer Habitat Enhancement Proposal, dated April 5, 2021 (Appendix C-2, Enhancement Proposal). The intent of the Enhancement Proposal is to propose an equal or superior Preserve/WCPZ option in exchange for the proposed 0.9-acre encroachment into the on-site portion of Preserve/WCPZ boundary that is drafted in the City's Draft SAP in the northwestern corner of the project property. The Enhancement Proposal dated April 5, 2021 includes the requirement to prepare a project low-intensity coastal sage scrub enhancement plan (Enhancement Plan) prepared by a qualified restoration biologist that is consistent with the guidelines in the MHCP Section 6 as well as the City's Draft Subarea Plan Section 5.3.1 WCPZ and Section 7.2.3 Habitat Restoration, or as approved by the City and Wildlife Agencies. Further, as outlined in the Enhancement Proposal, the Enhancement Plan would need to provide a detailed plan for the proposed 3.5 acres of low-intensity coastal sage scrub enhancement on adjacent City owned parcels that are located within the Preserve/WCPZ and/or City owned open space. The 0.9 acre of low-intensity CSS

enhancement necessary to account for the 0.9 acre of encroachment (1:1 exchange ratio) is included in the 3.5 acres of proposed habitat enhancement.

Therefore, the following SAP Standards are applicable to the proposed project.

- *Section 5.2.4, Wetlands Mitigation Standards, Conservation and Buffer Requirements along the San Luis Rey River* states "Wherever development or other discretionary actions are proposed in or adjacent to riparian habitats along the San Luis Rey River, the riparian area and/or other wetlands and associated natural habitats shall be designated as biological open space and incorporated into the Preserve. In addition, a minimum 100-foot biological buffer shall be established for upland habitats, beginning at the outer edge of riparian vegetation. The following uses are prohibited in the 100-foot biological buffer: (1) new development, (2) new pedestrian and bike trails or passive recreational uses not already planned, and (3) fuel modification activities for new development. In the event that natural habitats do not currently (at the time of proposed action) cover the 100-foot buffer area, native habitats appropriate to the location and soils shall be restored as a condition of project approval. In most cases, coastal sage scrub vegetation shall be the preferred habitat to restore within the biological buffer."

The proposed project would be consistent with this standard through the avoidance of a portion of the northwestern corner of the project property to include the required 100-foot riparian habitat buffer as well as the proposed encroachment and habitat enhancement of the Preserve/WCPZ (Appendix C-2, Enhancement Proposal) (Figure 4.3-4).

- *Section 5.2.8, Project Implementation Guidelines*. The guidelines in this section provide minimization measures and BMPs such as the need for a construction monitoring biologist, temporary fencing of project limits, active bird nest buffers, and dust control during construction, to prevent inadvertent impacts to sensitive biological resources on site or directly adjacent to the proposed projects.

The proposed project would implement the mitigation measures outlined in Section 4.3.5 below, which include the avoidance of the breeding season and the need for a qualified monitoring biologist that would monitor project construction activities including the installation of BMPs, conducting pre-construction active nest surveys and establishing appropriate nest buffers, and where applicable.

- *Section 5.3.1, WCPZ General Development Standards.* These standards state that properties within the WCPZ must be developed such that wildlife habitat value is maintained and enhanced. Connectivity of natural habitat throughout this zone must also be maintained for wildlife movement, particularly to allow continued connectivity of gnatcatcher and other bird species populations across the City. Further, the removal of

native habitats shall be avoided to the maximum extent feasible, without precluding reasonable use of the property.

The proposed project is located predominately adjacent to the WCPZ and primarily avoids the WCPZ, except in the northwestern portion of the project property where the project WCPZ encroachment is proposed (Appendix C-2, Enhancement Proposal). Within this area, the project would impact disturbed habitat and non-native grassland that is currently heavily used by humans and domestic pets and does not support any special status species. The proposed project would maintain connectivity to the adjacent SLR regional corridor/Preserve as well as the remaining WCPZ.

- *Section 7.2.1, Prohibited and Allowed Uses Within the Preserve Areas.* This section of the larger Preserve Management portion of the SAP includes a discussion regarding land uses conditionally allowed upon Wildlife Agency approval within Preserve areas, provided that they can be demonstrated to have minimal impacts on resource values within the Preserve. Specifically applicable to the project, one of the compatible allowed uses states that "Utility projects, including construction, replacement, or maintenance of electrical transmission lines, gas pipelines, water lines, sewer lines, or other linear facilities which require temporary impacts to natural habitats, provided that habitats are restored to pre-impact or better condition following the impact."

The project proposes to remove and replace a portion of a storm water pipeline and associated outfall within a relatively small area along the eastern edge of the adjacent Preserve. This has the potential to disturb habitat along a CDFW non-wetland jurisdictional streambank. However, project construction would include incorporation of BMPs outlined in the Biological Resources Technical Report, Geotechnical Report, and Drainage Study; construction activities would be monitored by a qualified biologist; the area would be revegetated to pre-impact condition following construction; and mitigation measures MM-BIO-1 through MM-BIO-4 outlined below would be implemented. With incorporation of these measures, the project is expected to be consistent with this conditionally allowed use in the adjacent Preserve.

The MHCP was designed to compensate for the loss of biological resources throughout the program's region; therefore, projects that conform to the MHCP as specified by the City of Oceanside SAP and implementing ordinances would not result in cumulatively considerable impacts for those biological resources adequately covered. Although the proposed project would result in impacts to 7.0 acres of non-native grassland, project implementation of proposed mitigation measures MM-BIO-1 through MM-BIO-4 outlined in Section 4.3.5 below would ensure project and cumulative impacts would be reduced, and conflict with the City's MHCP SAP would not occur.

Overall, with implementation of proposed mitigation project implementation would not conflict with an applicable conservation plan. Therefore, impacts are considered to be **potentially significant**, prior to mitigation.

4.3.5 Mitigation Measures

Implementation of the following proposed project mitigation measures (MMs) would reduce potentially significant impacts to biological resources to a level below significance, and ensure conformance to the draft City SAP. In addition, project compliance with the federal MBTA and California Fish and Game Code Sections 3503 and 3513 is provided below.

Significant direct impacts to sensitive upland habitat consisting of non-native grassland that supports a limited amount of potential raptor foraging habitat would be mitigated with the implementation of MM-BIO-1:

MM-BIO-1 Prior to issuance of a grading permit, the Applicant shall submit documentation to the City demonstrating conservation of 3.5 acres of non-native grassland (0.5:1 mitigation to impact ratio, as provided in the City SAP) within an approved habitat mitigation bank located within the City of Oceanside (or comparable as approved by the City and Wildlife Agencies) for unavoidable project impacts to non-native grassland.

Avoidance of inadvertent direct impacts to sensitive habitat outside the proposed project footprint would be ensured by implementation of MM-BIO-2 and MM-BIO-3:

MM-BIO-2 Prior to initiation of construction related activities including clearing and grubbing or prior to vegetation/ground disturbance or prior to site mobilization activities or issuance of a grading permit, the Applicant shall submit documentation to the City demonstrating that the Applicant has contracted with a qualified biologist(s) to monitor the project construction activities and avoid any inadvertent impacts to sensitive biological and ensure complete avoidance of adjacent jurisdictional resources. Each qualified biologist shall have demonstrated expertise with the sensitive habitats, special status species of the project region. The qualified biologist(s) shall monitor the installation of the construction temporary fencing and/or flagging, silt fencing, and other best management practices (BMPs) along the construction limits prior to construction activities. The qualified biologist shall be present during the initial vegetation clearing and grubbing activities, and potentially on a less frequent basis during grading activities to ensure construction remains within the approved project development area. The Applicant shall report results of biological monitoring activities to the City on a regular basis through the preparation and submission of summary monitoring reports.

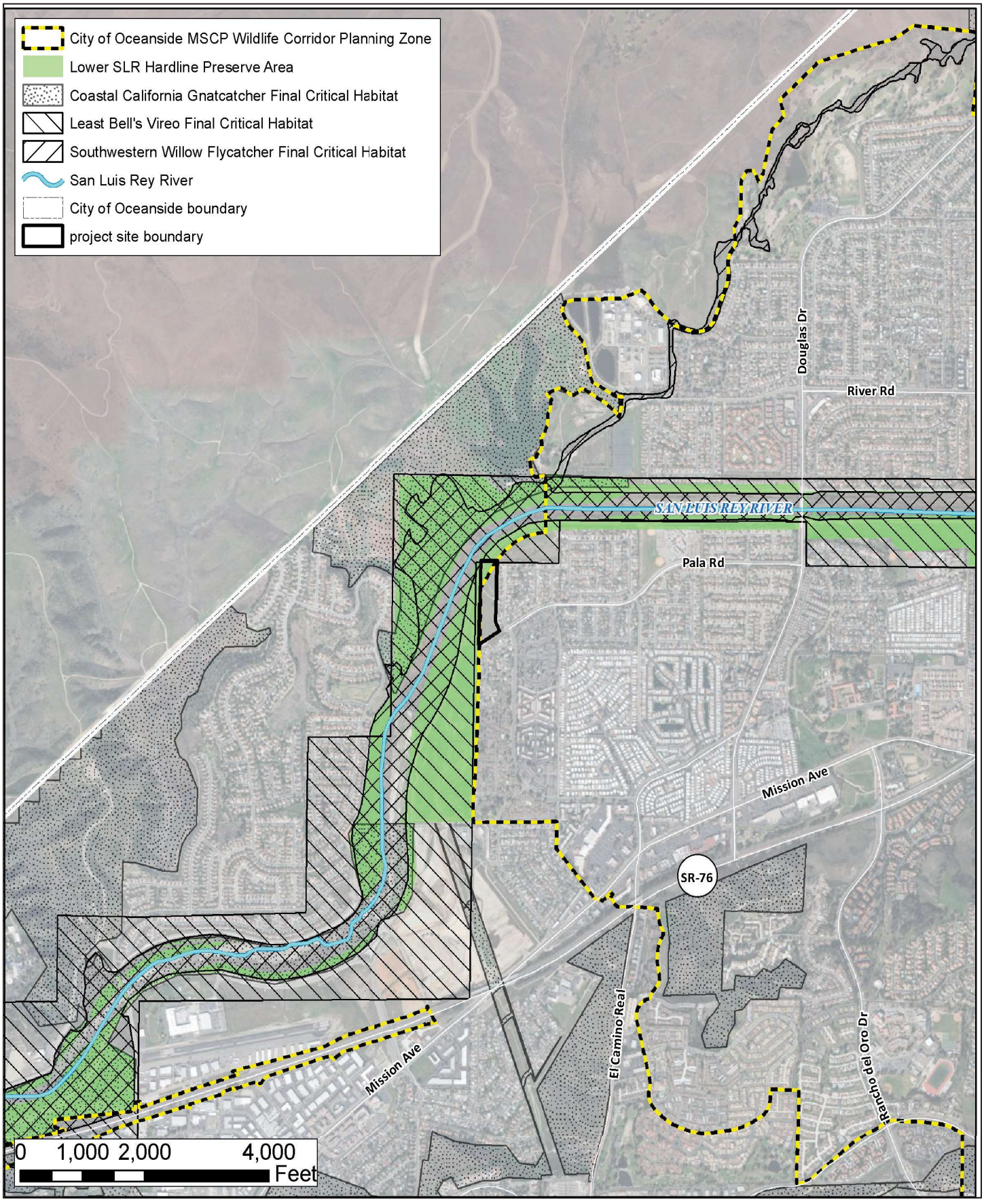
MM-BIO-3 Prior to initiating any construction related activities requiring a clearing and grubbing or grading permit, the Applicant shall demonstrate how the project would avoid or minimize applicable inadvertent impacts during construction. To ensure the avoidance and minimization of impacts to biological resources during construction, typical construction BMPs shall be implemented including but not limited to the following: Prior to ground disturbance, all permanent and temporary disturbance areas shall be clearly delineated by orange construction fencing and the identification of environmentally sensitive areas with flagging and/or fencing.

Implementation of MM-BIO-4 would ensure project compliance with the Federal MBTA and CDFG Code Sections 3503 and 3513:

MM-BIO-4 The proposed project would avoid any direct impacts to migratory birds and/or raptors protected under the federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3513, removal of habitat that supports active nests on the proposed area of disturbance should occur outside of the breeding season for these species. The breeding season is defined as January 15–August 31 for raptor species and February 15–August 15 for other non-raptor birds (excluding listed species). If removal of habitat on the proposed area of disturbance must occur during the breeding season, then prior to initiating any construction related activities requiring a clearing and grubbing or grading permit, the Applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, and the results must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan, as deemed appropriate by the City, shall be prepared and include proposed measures to be implemented to ensure that disturbance of breeding activities are avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's mitigation monitor shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

4.3.6 Level of Significance After Mitigation

With incorporation of Mitigation Measures **MM-BIO-1** through **MM-BIO-4** outlined above, potentially significant impacts to biological resources would be reduced to a level of **less than significant**.



SOURCE: Bing Maps, Merkel & Associates, Inc. 2021

FIGURE 4.3-1

Regional Setting

Cypress Point Project Environmental Impact Report

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SOURCE: Bing Maps, Merkel & Associates, Inc. 2021

FIGURE 4.3-2

Biological Resources

Cypress Point Project Environmental Impact Report

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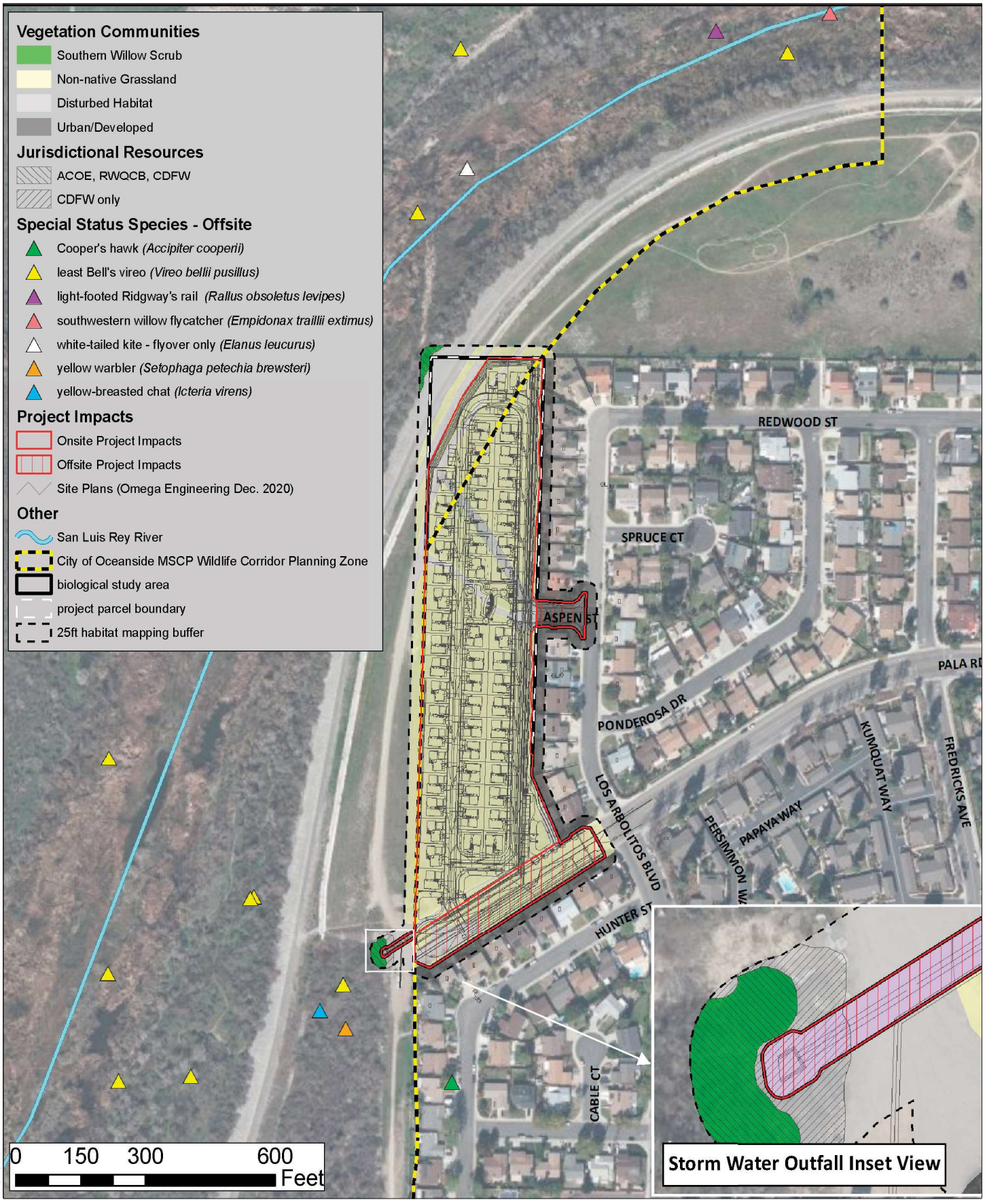

SOURCE: Bing Maps, Merkel & Associates, Inc. 2021

FIGURE 4.3-3

Biological Impacts

Cypress Point Project Environmental Impact Report

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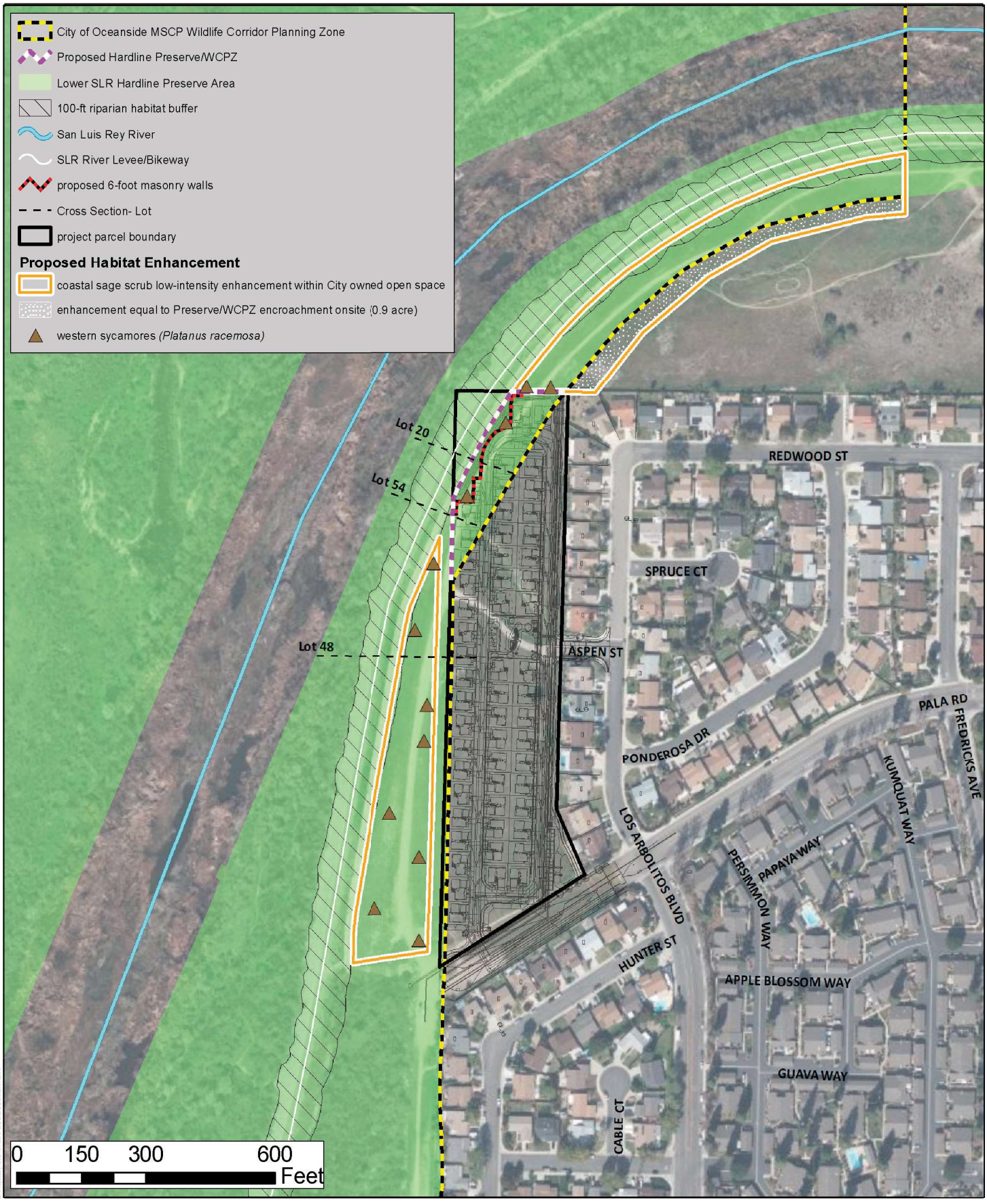

SOURCE: Bing Maps, Merkel & Associates, Inc. 2021

FIGURE 4.3-4

Proposed Habitat Enchancement

Cypress Point Project Environmental Impact Report

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4.4 CULTURAL RESOURCES

This section describes the existing cultural resources of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures as necessary related to implementation of the proposed Cypress Point Project (project). The following analysis is based upon the following studies:

- Cultural Resources Survey Report for the Cypress Point Project, City of Oceanside, California, prepared by Brian F. Smith and Associates, Inc. in September 2020 (included as Appendix D of this EIR)
- A Phase I and II Cultural Resources Study for the Cypress Point Project, City of Oceanside, California, prepared by Brian F. Smith and Associates, Inc. in October 2020 (included as Appendix E of this EIR)

4.4.1 Existing Conditions

The 7.3-acre project site lies within the city of Oceanside, located directly west of the terminus of Aspen Street along the southern bank of the San Luis Rey River and north of Highway 76. Vegetation consists of native grasses throughout the project area overlying Tujunga sandy deposits, 0 to 5 percent slopes. The project property has been previously graded and elevations range from 44 to 51 feet above mean sea level (AMSL).

4.4.1.1 Regional Prehistoric and Historic Context

The project is located along the southern bank of the San Luis Rey River, which would have provided a rich and varied food resource that was less subject to the debilitating effects of limited seasonal rainfall than the inland areas of San Diego County. At the time of the first European colonization (1769), and for a period of time thereafter, Native American people used resources from the bay and adjacent wetland areas. The cultures that have been identified in the general vicinity of the project consist of possible Paleo Indian manifestation of the San Dieguito Complex, the Archaic and Early Milling Stone horizons represented by the La Jolla Complex, and the Late Prehistoric Kumeyaay culture. The prehistory of the region is divided into four major periods: Early Man (Prior to 8500 B.C.), Paleo Indian Period (8500 to 6000 B.C.), Early Archaic (6000 B.C. to A.D. 0), and Late Prehistoric (0 A.D. to 1769). The area was then used for ranching and farming following the Hispanic intrusion into the region and extending into the historic period. The historic period is also divided into four major periods: Exploration Period (1530 to 1769), Spanish Colonial Period (1769 to 1821), Mexican Period (1821 to 1846), and Anglo-American Period (1846 to Present). The prehistory and historic periods of the region are described in detail in Appendix D and E of this EIR.

4.4.1.2 Methodology

The Phase I and II Cultural Resources assessment was conducted by Brian F. Smith and Associates, Inc. (BFSA) as part of the environmental clearance required for the proposed project. The evaluation program was conducted in accordance with the California Environmental Quality Act (CEQA), Section 15064.5, and the City of Oceanside's cultural resource guidelines to determine the presence of any archaeological or historic resources that would be affected by the proposed project and whether these resources meet the eligibility requirements for the California Register of Historical Resources (CRHR).

The Phase I cultural resource survey of the project site consisted of institutional records searches, a pedestrian archaeological survey of the project, and preparation of Cultural Resources Survey Report. A records search was reviewed from the South Coastal Information Center (SCIC) at San Diego State University to identify previously discovered archaeological sites in the project area, and a Sacred Lands file (SLF) search was requested from the Native American Heritage Commission (NAHC) to list potentially sacred or ceremonial sites or landforms on or near the project site. The search encompassed the area of potential effect (APE) and a 1-mile buffer around the APE. In addition to a review of previously prepared site records and reports, the records search also involved review of historical maps of the project site and vicinity; ethnographies; the National Register of Historic Places (NRHP); the Office of Historical Preservation (OHP) Built Environmental Resources Directory (BERD); and land patent records, held by the Bureau of Land Management (BLM) and accessible through the BLM General Land Office website, were also reviewed for pertinent project information. Results from the record searches are discussed below under Section 4.4.1.3.

Principal Investigator Brian F. Smith, M.A. from BFSA directed the cultural resources study for the project. The initial archaeological survey (Phase I survey) was conducted on September 14, 2020 by Senior Archaeologist Tracy A. Stropes, M.A., RPA with participation by Cami Mojado from the San Luis Rey Band of Mission Indians. During the pedestrian survey, it was noted that the topography of the project site was generally flat and previously graded. Including the previous grading of the property, disturbances include two man-made trenches and three dirt walking paths. The trenches, located at the north and south of the property, are a result of drainage pipelines between the nearby neighborhood and the San Luis Rey River channel. The southernmost trench runs east to west along the southern project boundary and the northernmost trench runs southeast and northwest across the northern third of the project. The three dirt walking paths are located along the southern project boundary and running northeast to southwest along the northern third of the property. Additionally, the majority of the property was covered in dense, low-lying grasses. In areas obscured by dense vegetation, ground visibility was considered poor, which in turn hindered the possibility of identifying cultural resources. Parallel survey transects spaced at approximately 10-meter intervals were utilized throughout the entire project and photographs were

taken to document project conditions (photographs are included as part of Appendix E to this EIR). During the archaeological field survey, an unconsolidated scatter of prehistoric shell was identified in the northern portion of the project. The marine shell was observed within previously impacted soil brought up to the surface by the development of a drainage ditch that runs northwest to southeast across the northern portion of the parcel. The presence of the prehistoric material indicated a potential for subsurface deposits to also be present.

To investigate the potential for buried deposits across the project, BFSA archaeologists Clarence Hoff and James Shrieve conducted a testing and evaluation program and trench sampling program on October 14, 2020 with participation by Banning Taylor from the San Luis Rey Band of Mission Indians (Phase II survey). Thirteen (13) test trenches were mechanically excavated and screened to determine if cultural resources were present within the subsurface portion of the property. The testing program was conducted prior to grading in order to facilitate the identification of any significant subsurface archaeological deposits and, if significant deposits or features were identified, to outline measures needed to achieve the mitigation of impacts. Of the 13 trenches excavated as part of the testing program, six trenches (trenches 2, 5, 6, 8, 9, and 10) produced only recovered 20 fragments of marine shell (21.2 grams identified as *Argopecten* sp., *Chione* sp., *Ostrea* sp., and *Donax* sp.) and one piece of prehistoric ceramic (see Table 4.4-1, Trench Excavation Data). The majority of the materials were recovered between zero and 60 centimeters in depth, which corresponds to the stratigraphic observations for the trenches across the property. It is clear that the majority of the artifacts identified were concentrated between 30- and 60-centimeter levels. No midden soils were encountered.

Table 4.4-1
Trench Excavation Data

Trench	Depth (cm)	Object	Material	Quantity	Weight (g)
1	0–150	No Recovery			
2	0–60	Marine Shell	Ostrea sp.	3	2.0
	60–150	No Recovery			
3	0–150	No Recovery			
4	0–150	No Recovery			
5	0–30	No Recovery			
	30–60	Marine Shell	Chione sp.	10	15.3
			Ostrea sp.		
			Donax sp.		
	60–150	No Recovery			
6	0–30	No Recovery			
	30–60	Marine Shell	Indeterminate	1	0.2
	60–150	No Recovery			
7	0–150	No Recovery			

Table 4.4-1
Trench Excavation Data

Trench	Depth (cm)	Object	Material	Quantity	Weight (g)
8	0–30	Marine Shell	Donax sp.	2	0.5
	30–150	No Recovery			
9	0–30	No Recovery			
	30–60	Marine Shell	Chione sp.	1	1.7
		Prehistoric ceramic	–	1	4.1
	60–150	No Recovery			
10	0–60	Marine Shell	Argopecten sp.	3	1.5
	60–150	No Recovery			
11	0–150	No Recovery			
12	0–150	No Recovery			
13	0–150	No Recovery			
			Total	**21**	**25.3**

Source: Appendix D

The artifacts recovered from the project site (Table 4.4-1) constitute too small of a collection for broad research questions to be applied. Furthermore, the materials observed in the trenches are interpreted as potentially being a secondary deposition that resulted from historic flooding episodes along the San Luis Rey River. This limited deposition has also been heavily modified by the historic development of the property as early as 1953. Such disturbance has removed any *in situ* provenience information from the collection and, as such, these materials represent only minimum research value and are not considered to be indicative of a significant prehistoric deposit (Appendix E).

Native American Correspondence/AB 52 Consultation

BFSA requested a search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) to list potentially sacred or ceremonial sites or landforms on or near the project. The SLF search returned positive results and the NAHC requested that the San Luis Rey Band of Mission Indians be contacted for more information. BFSA thereafter reached out to the San Luis Rey Band, and Cami Mojado, representing the San Luis Rey Band, participated in the archaeological survey of the Cypress Point Project on September 14, 2020 as described above. At that time, Ms. Mojado expressed concerns about the project due to its location along the southern bank of the San Luis Rey River, which is traditionally known to the Native peoples of the region as *Quechla*. Prehistorically, *Quechla*, which generally refers to the San Luis Rey River watershed and the people who lived there, was a valuable water source for the native inhabitants of the region and to this day, provides water to five southern Native American tribes that live on or near its banks, including the Rincon, La Jolla, Pauma, Pala, and San Pasqual bands. Due to the project's

immediate proximity to *Quechla*, Ms. Mojado noted the potential for buried cultural deposits along the floodplain and expressed interest in a trenching program to examine areas in the project for any buried cultural resources that may be present. The trenching program was subsequently conducted on October 14, 2020 with participation by Banning Taylor from the San Luis Rey Band of Mission Indians (Appendix E).

The City had requested a consultation list from the NAHC of tribes that are traditionally and culturally affiliated with the geographic area, to include in the AB 52 consultation process. Based on the information provided in the NAHC response letter dated May 19, 2021, outreach letters were mailed on May 20, 2021 to 25 applicable Native American group representatives to solicit additional information about known Native American resources. To date, four responses have been received from representatives of tribes. These responses are summarized below:

- Viejas Tribal Government (May 26, 2021) – Ray Teran, the Resource Management Director for the Viejas Band of Kumeyaay Indians, acknowledged review of the project and determined that the project site has a cultural significance or ties to the Kumeyaay Nation, and recommended notifying the San Pasqual Band of Mission Indians. Per the recommendation, the City reached out to the San Pasqual Band of Mission Indians on May 20, 2021, and the San Pasqual Band of Mission Indians signed for the certified mail on May 24, 2021.
- Rincon Band of Luiseño Indians (June 16, 2021) – Cheryl Madrigal, the Cultural Resource Manager for the Rincon Band of Luiseño Indians, acknowledged notification of the project and requested consultation with the City to assess potential impacts to cultural resources, as the identified project site is located within the Traditional Use Area of the Luiseño people and within the Band's specific Area of Historic Interest. As part of this initial letter, copies of existing documents pertaining to the project including record search results, the geotechnical report, and grading plans were requested for review prior to consultation. The City provided the requested documents to Ms. Madrigal on June 17, 2021. Consultation was held between Ms. Madrigal and the City on June 30, 2021 via Zoom, and in a follow-up letter to the City from Ms. Madrigal on July 15, 2021, it was confirmed that the Rincon Band was in agreement with the proposed measures outlined in the provided documents which include archaeological and tribal monitoring, a monitoring report, and protocols for discovery of cultural material and human remains. Final requests from the Rincon Band are that the measures will accommodate for reburial on-site as preferred method for any cultural material discovered throughout the duration of the project, and that all excavated materials from the Phase I and II Cultural Resources Study be reburied on-site. To conclude this July 15, 2021 letter, Rincon Band confirmed no further comments or concerns, and that consultation is considered concluded at this time.

In response to Rincon's final request of re-burial of excavated materials from the Phase I and II Cultural Resources Survey Report, Brian Smith & Associates, Inc. confirmed with the Rincon Band in a letter dated July 29, 2021, that the small quantity of artifacts recovered during the testing process will be combined with any cultural materials recovery during the monitoring of grading and will be reburied on the property in a location that will either be in a park or in an open space area. The final location for repatriation and reburial of any cultural materials from the property will be determined with the Native American representatives present at the time of the grading of the property.

In a follow-up response to Rincon's final request, a letter prepared by Brian Smith & Associates, Inc. on August 30, 2021 stated that the small frequency of materials collected as a result of the testing program are currently stored at the offices of Brian F. Smith and Associates, Inc., and given the small quantity of artifacts dispersed across the project and the information generated by the testing program, the evaluation was reached that the project does not appear to contain any potentially significant cultural features or deposits. However, due to the presence of a limited shell scatter, the potential exists to discover additional prehistoric deposits on the property and as a result, monitoring during ground-disturbing activities by a qualified archaeologist and Native American representative has been recommended to ensure that if buried features (i.e., human remains, hearths, or cultural deposits) are present, they will be handled in a timely and proper manner. As a result, it is standard archaeological protocol to repatriate all materials at the conclusion of the monitoring program to ensure that any additional materials recovered may be combined with the test materials for a single repatriation. As confirmed in the previous response on July 29, 2021, the final location of the repatriation will be determined in consultation with the Native American representatives present at the time of the grading of the property, the project proponent and consulting archaeologist and will include a location that will either be in a park or in an open space area.

- San Luis Rey Band of Mission Indians (June 17, 2021) – Cami Mojado, the Cultural Resources Manager for the San Luis Rey Band of Mission Indians, acknowledged notification of the project and requested tribal consultation, and review of any cultural resources assessments that have been completed for the project. The City reached out twice via email to Cami Mojado of the San Luis Rey Band of Mission Indians initiating consultation, prior to scheduling a consultation meeting. Consultation was held between Cami Mojado and the City on August 12, 2021 via Skype, and consultation is considered ongoing.
- Jamul Indian Village of California (July 22, 2021) – Lisa Cumper, Cultural Resources Manager for the Jamul Indian Village of California, acknowledged notification of the project and confirmed that the project is not within the boundaries of the recognized Jamul Indian Reservation. The letter recommends that a Kumeyaay Native American Monitor be present

for any ground disturbance, but that the tribe has no objection to the continuation of the project activities as currently planned, and defer to the San Pasqual Band of Mission Indians.

Under CEQA, the lead agency is required to perform formal government-to-government consultation with Native American tribes under Assembly Bill 52 (AB 52). AB 52 is applicable to projects that have a notice of preparation or a notice of negative declaration on or after July 1, 2015. As outlined above, notification to tribes was completed for AB 52 and two responses have been received regarding tribal consultation. Consultation with the Rincon Band has been deemed complete as of July 15, 2021.

4.4.1.3 Existing Archaeological and Historical Resources

South Coastal Information Center Records Search Results

As described above under Section 4.4.1.2, a records search of the project APE and the surrounding 1-mile radius around the project was conducted by BFSA staff at the SCIC. The records searches indicated that 101 previous studies have been performed in the 1-mile records search area and six of these reports included portions of the subject property. The reports identified during the SCIC record search for the project site are presented in Table 4.4-2, Previous Cultural Studies on the Project Site. Refer to Appendix D of this EIR for the complete record search results.

Table 4.4-2
Previous Cultural Studies on the Project Site

Report I.D.	Title	Author	Year
SD-02630	Letter Report for the Whalen Lake Emergency Access Road Alternative in the North Oceanside Annexation Area	Carrico, Richard	1990
SD-08469	Cultural Resource Test Sampling Program for a Proposed Flood Control Project in the Lower San Luis Rey River Drainage, Oceanside, CA	Carrico, Richard L. and R.L. Franklin	1979
SD-00577	Map for Highway Alternatives Study (11-SD-76 0.0129 11821-159021)	Carrillo, Charles	1982
SD-01070	A Preliminary Archaeological Reconnaissance for a Proposed Flood Control Project in the Lower San Luis Rey River Drainage	Franklin, Randy and Richard L. Carrico	1978
SD-02497	Draft Environmental Impact Report for the Whelan Ranch San Removal Project, Oceanside, CA	New Horizons Planning Consultants, Inc.	1987
SD-01677	A Cultural Resource Survey of the Loma Alta Creek Improvement Plan Area.	Wade, Sue A. and Susan M. Hector	1989

Source: Appendix D

SCIC records indicate that no previously recorded cultural resources are located within the project APE. However, the records indicate that 21 cultural resources have been recorded within the 1-mile search radius. Of the previously recorded resources, nine are prehistoric, eight are historic, and four are a multicomponent. The prehistoric sites include seven lithic and shell scatters, one bedrock milling feature site, and one shell isolate. The historic resources include Mission San Luis

Rey de Francia, adobe ruins and adobe ruins with historic refuse or a cistern, a historic ranch complex, El Camino Real, a historic refuse scatter, and the San Luis Rey Wastewater Treatment Plant. The multicomponent sites include prehistoric occupation sites with historic refuse deposits and a historic ranch complex with a prehistoric shell and fire-affected rock scatter. The cultural resources identified during the SCIC records search for the current project are listed in Table 4.4-3, Previous Cultural Resources identified within 1 Mile of the Project Site.

Table 4.4-3
Previous Cultural Resources Identified within 1 Mile of the Project Site

P-Number	Trinomial	Era	Site Type	In/Out APE
P-37-000241	CA-SDI-000241	Historic	Mission San Luis Rey de Francia	Out
P-37-001246	CA-SDI-001246	Prehistoric	Lithic and Shell Scatter	Out
P-37-005130	CA-SDI-005130	Prehistoric/Historic	Occupation Site/Refuse Scatter	Out
P-37-005131	CA-SDI-005131	Historic	Adobe Ruins with a Refuse Scatter	Out
P-37-005132	CA-SDI-005132	Prehistoric	Lithic and Shell Scatter	Out
P-37-005133	CA-SDI-005133	Prehistoric/Historic	Occupation Site/Refuse Scatter	Out
P-37-005460	CA-SDI-005460	Prehistoric	Lithic and Shell Scatter	Out
P-37-005461	CA-SDI-005461	Prehistoric	Lithic and Shell Scatter	Out
P-37-006009	CA-SDI-006009	Prehistoric/Historic	Occupation Site/Refuse Scatter	Out
P-37-006010	CA-SDI-006010	Prehistoric	Lithic and Shell Scatter	Out
P-37-010078	CA-SDI-010078	Historic	Adobe Ruins with a Spanish Tile-Lined Cistern	Out
P-37-010079	CA-SDI-010079	Historic	Adobe Ruins	Out
P-37-010080	CA-SDI-010080	Prehistoric	Lithic and Shell Scatter	Out
P-37-011468	CA-SDI-011468	Prehistoric	Lithic and Shell Scatter	Out
P-37-011469	CA-SDI-011469	Prehistoric	Bedrock Milling Features	Out
P-37-011470	CA-SDI-011470	Historic/Prehistoric	Ranch Complex/Shell and Fire-Affected Rock Scatter	Out
P-37-014052	CA-SDI-014006	Historic	Route of El Camino Real	Out
P-37-015694	CA-SDI-014410	Historic	Ranch Complex	Out
P-37-025318	CA-SDI-016795	Historic	Refuse Scatter	Out
P-37-036355	–	Prehistoric	Shell Isolate	Out
P-37-037110	–	Historic	San Luis Rey Wastewater Treatment Plant	Out

Source: Appendix D

Additionally, the SCIC Records indicate the presence of a total of six previously recorded historic addresses within 1-mile search radius. None of the previously recorded historic addresses are identified within the project APE or are located adjacent to the APE. Refer to Appendix D for the complete list of historic addresses.

4.4.2 Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) (16 USC 470 et seq.) establishes the federal policy for preservation of historical resources, including archaeological sites, and sets in place a program for the preservation of historic properties by requiring federal agencies to consider effects to significant cultural resources (e.g., historic properties) prior to undertakings.

Section 106 of the NHPA requires federal agencies to take into account the effects of projects on historic properties (resources included in or eligible for the NRHP). It also gives the Advisory Council on Historic Preservation and the state historic preservation offices an opportunity to consult.

Executive Order 11593, Protection and Enhancement of the Cultural Environment

Executive Order 11593 (36 Federal Register 8921) (1) orders the protection and enhancement of the cultural environment through requiring federal agencies to administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; (2) initiates measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural, or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the people; and (3) in consultation with the Advisory Council on Historic Preservation, institutes procedures to assure that federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural, or archaeological significance (16 USC 470-1).

National Register of Historic Places

The NRHP is the nation's official list of historic places. The register is overseen by the National Park Service and requires that a property or resource eligible for listing in the register meet one or more of the following four criteria at the national, state, or local level to ensure integrity and obtain official designation:

- The property is associated with events that have made a significant contribution to the broad patterns of our history.
- The property is associated with the lives of persons significant to our past. Eligible properties based on this criterion are generally those associated with the productive life of the individual in the field in which the person achieved significance.

- The property embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components lack individual distinction.
- The property has yielded, or is likely to yield, information important to prehistory or history.

In addition to meeting at least one of these four criteria, listed properties must also retain sufficient physical integrity of those features necessary to convey historic significance. The register has identified the following seven aspects of integrity: (1) location, (2) design, (3) setting, (4) materials, (5) workmanship, (6) feeling, and (7) association.

Properties are nominated to the register by the state historic preservation officer of the state in which the property is located, by the federal preservation officer for properties under federal ownership or control, or by the tribal preservation officer if on tribal lands. Listing in the NRHP provides formal recognition of a property's historic, architectural, or archaeological significance based on national standards used by every state. Once a property is listed in the NRHP, it becomes searchable in the NRHP database of research information. Documentation of a property's historic significance helps encourage preservation of the resource.

State

California Public Resources Code

California Public Resources Code (PRC), Sections 5097–5097.6, identify that the unauthorized disturbance or removal of archaeological or historical resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (express permission) on public lands, and it provides for criminal sanctions. This section was amended in 1987 to require consultation with the Native American Heritage Commission (NAHC) whenever Native American graves are found. Violations that involve taking or possessing remains or artifacts are felonies.

California Public Resources Code, Section 5097.5, states that "no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historic feature situated on public lands, except with the express permission of the public agency having jurisdiction over the lands."

California Register of Historical Resources

In California, per the PRC, the term "cultural resource" includes "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is

significant in the architectural, engineering, scientific, economical, agricultural, educational, social, political, military, or cultural annals of California" (PRC Section 5020.1(j)). In 1992, the California legislature established the CRHR "to be used by state and local agencies, private groups, and citizens to identify the state's cultural resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1(a)). A resource is eligible for listing in the CRHR if the State Cultural Resources Commission determines that it is a significant resource and that is meets any of the following criteria (PRC Section 5024.1(c)):

1. Associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents to work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Per the California Code of Regulations (CCR), resources less than 50 years old are not considered for listing in the CRHR, but may be considered if it can be demonstrated that sufficient time has passed to understand the historic importance of the resource (see 14 CCR, Section 4852(d)(2)).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the National Register of Historic Places (NRHP), and properties listed for formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local cultural resource surveys. The State Historic Preservation Office maintains the CRHR.

Native American Historic Resources Protection Act

The Native American Historic Resources Protection Act (PRC Section 5097 et seq.) addressed the disposition of Native American burials in archaeological sites, and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native America skeletal remains are discovered during construction of a project; and establishes the Native American Heritage Commission (NAHC) to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to one ear to deface or destroy a Native American historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are relevant to the analysis of archaeological and historic resources:

- PRC Section 21083.2(g) defines "unique archaeological resource."
- PRC Section 21084.1 and CEQA Guidelines Section 15064.2(a) define cultural resources. In addition, CEQA Guidelines Section 15064.2(b) defines the phrase "substantial adverse change" in the significance of a cultural resource. It also defines the circumstances when a project would materially impair the significance of a cultural resource.
- PRC Section 21074 (a): defines "tribal cultural resources" and Section 21074(b) defines a "cultural landscape."
- PRC Section 5097.98 and CEQA Guidelines Section 15064.2(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- PRC Sections 21083.2(b)–(c) and CEQA Guidelines Section 15126.4 provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures. Preservation-in-place is identified as the preferred manner of mitigating impacts to significant archaeological sites.

Under CEQA, a project may have a significant impact on the environment if it may cause "a substantial adverse change in the significance of an [sic] cultural resource" (PRC Section 21084.1; CEQA Guidelines Section 15064.2(b)). A "cultural resource" is any site listed or eligible for listing in the CRHR. The term "cultural resource" also includes any site described in a local register of historic resources, or identified as significant in a cultural resources survey (meeting the requirements of PRC Section 5024.1(q)).

CEQA also applies to "unique archaeological resources." PRC Section 21083.2(g) defines a "unique archaeological resource" as any archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

In 2014, CEQA was amended through Assembly Bill 52 to apply to "tribal culture resources" as well. Specifically, PRC Section 21074 provides guidance for defining tribal cultural resources as either of the following:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: (A) included or determined to be eligible for inclusion in the California Register of Cultural Resources or (B) included in a local register of cultural resources as defined in subdivision (k) of §5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of §5024.1. In applying the criteria set forth in subdivision (c) of §5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe. A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

All cultural resources and unique archaeological resources—as defined by statute—are presumed to be historically or culturally significant for the purposes of CEQA (PRC Section 21084.1; 14 CCR 15064.5(a)). The lead agency is not precluded from determining that a resource is a cultural resource even if it does not fall within this presumption (PRC Section 21084.1; 14 CCR 15064.5(a)). A site or resource that does not meet the definition of a "cultural resource" or "unique archaeological resource" is not considered significant under CEQA and need not be analyzed further (PRC Section 21083.2(a); 14 CCR 15064.5(c)(4)).

Under CEQA, a significant cultural impact results from a "substantial adverse change in the significance of an historical resource [including a unique archaeological resource]" due to the "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (14 CCR 15064.5(b)(1); PRC Section 5020.1(q)). In turn, the significance of a cultural resource is materially impaired when a project (14 CCR 15064.5(b)(2)):

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless

the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

3. Demolishes or materially alters in an adverse manner those physical characteristics of a cultural resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

Pursuant to these sections, CEQA first evaluates whether a project site contains any "cultural resources," then assesses whether that project would cause a substantial adverse change in the significance of a cultural resource such that the resource's historical significance is materially impaired.

When a project significantly affects a unique archaeological resource, CEQA imposes special mitigation requirements. Specifically (PRC Sections 21083.2(b)(1)–21083.2(b)(4)):

- [i]f it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:
    1. Planning construction to avoid archaeological sites.
    2. Deeding archaeological sites into permanent conservation easements.
    3. Capping or covering archaeological sites with a layer of soil before building on the sites.
    4. Planning parks, greenspace, or other open space to incorporate archaeological sites.

If "preservation in place" options are not feasible, mitigation may be accomplished through data recovery (PRC Section 21083.2(d); 14 CCR 15126.4(b)(3)(C)). PRC Section 21083.2(d) states that:

> [e]xcavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

These same requirements are set forth in slightly greater detail in CEQA Guidelines Section 15126.4(b)(3), as follows (14 CCR 15126.4(b)(3)):

A. Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between

artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

B. Preservation in place may be accomplished by, but is not limited to, the following:

   1. Planning construction to avoid archaeological sites;

   2. Incorporation of sites within parks, greenspace, or other open space;

   3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site[; and]

   4. Deeding the site into a permanent conservation easement.

C. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the cultural resource, shall be prepared and adopted prior to any excavation being undertaken.

Note that, when conducting data recovery, "[i]f an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation" (14 CCR 15126.4(b)(3)). However, "[d]ata recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historic resource, provided that determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center" (14 CCR 15126.4(b)(3)(D)).

Finally, CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are set forth in PRC Section 5097.98.

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the county coroner has examined the remains (California Health and Safety Code, Section 7050.5b). If the coroner determines or has reason to believe that the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (California Health and Safety Code Section 7050.5c). The NAHC will notify the most likely descendant (MLD). With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 48 hours of the

MLD being granted access to the site. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

Assembly Bill 52

AB 52, in effect as of July 1, 2015, introduces the tribal cultural resource (TCR) as a class of cultural resource and additional considerations relating to Native American consultation into CEQA. As a general concept, a TCR is similar to the federally defined TCP; however, it incorporates consideration of local and state significance and required mitigation under CEQA. A TCR may be considered significant if included in a local or state register of historical resources; determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1; is a geographically defined cultural landscape that meets one or more of these criteria; or is a historical resource described in PRC Section 21084.1, a unique archaeological resources described in PRC Section 21083.2, or is a non-unique archaeological resource if it conforms with the above criteria. Because an assessment of project-related impacts on TCRs involves analytical requirements different from those that apply to impacts on archaeological resources, this EIR includes a separate discussion of TCRs in Section 4.6.

Local

City of Oceanside General Plan

Cultural resources are addressed in the Environmental Resources Management Element and the Land Use Element. The Environmental Resources Management Element identifies several important cultural sites, including the nearby Mission San Luis Rey, and encourages preservation of such sites when planning development. Specifically, the Environmental Resource Management Element has the following objective for cultural sites:

- Encourage the conservation and protection of significant cultural resources for future scientific, historic, and educational purposes.

In order to achieve this objective, the City of Oceanside (City) will:

1. Encourage the use of "O" zoning and open space easements for the preservation of cultural sites.
2. Encourage private organizations to acquire, restore, and maintain significant historical sites.
3. Encourage investigation by the appropriate groups (i.e., museums, university students, etc.) to explore and record the significant archaeological sites in the areas and to forward this information to appropriate County agencies for inclusion in the San Diego County Natural Resources Inventory.

The Land Use Element provides designations for historic areas in order to preserve cultural resources. The Land Use Element states the following policy relevant to historic sites:

- **1.33 Historic Areas and Sites, Policy A:** The City shall utilize adopted criteria, such as the "Mission San Luis Rey Historic Area Development Program and Design Guidelines," to preserve and further enhance designated historic or cultural resources.

The Land Use Element further contains the following policies regarding cultural resources:

- **3.2A:** The City shall encourage open space land use designations and open space land use designations and open space zoning or open space easements for the preservation of cultural resources.
- **3.2B:** The City shall encourage the acquisition, restoration, and/or maintenance of significant cultural resources by private organizations.
- **3.2C:** Cultural resources that must remain in-situ to preserve their significance shall be preserved intact and interpretive signage and protection shall be provided by project developers.
- **3.2D:** An archaeological survey report shall be prepared by a Society of Professional Archaeologists certified archaeologist for a project proposed for grading or development if any of the following conditions are met:
    1. The site is completely or largely in a natural state;
    2. There are recorded sites on nearby properties;
    3. The project site is near or overlooks a water body (creek, stream, lake, freshwater lagoon);
    4. The project site includes large boulders and/or oak trees; or
    5. The project site is located within a half-mile of Mission San Luis Rey.

City of Oceanside Historic Preservation Ordinance

Chapter 14A of the City's Municipal Code, referred to as the Historic Preservation Ordinance, identifies evaluation criteria under which a historical site or area may be designated in Section 14A.6, as follows (City of Oceanside 2018):

a) It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural history; or

b) It is identified with persons or events significant in local, state, or national history; or

c) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

d) It is representative of the notable work of a builder, designer, or architect; or

e) It is found by the council to have significant characteristics which should come under the protection of this chapter.

4.4.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to cultural resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to cultural resources would occur if the proposed project would:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to in CEQA Guidelines Section 15064.2.
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.2.
3. Disturb any human remains, including those interred outside of formal cemeteries.

The CEQA Guidelines state that a project that demolishes or alters those physical characteristics of a historical resource that convey its historical significance (i.e., its character-defining features) can be considered to materially impair the resource's significance. To best mitigate the effects of a project on cultural resources, a lead agency must make a reasonable, good faith effort to determine their historical or archaeological character and eligibility for listing in the CRHR. Of the four primary CRHR criteria for making such recommendations listed in Section 4.4.2, Regulatory Setting, Criterion 4 is most applicable for directing Phase I archaeological investigations. To be eligible for listing in the CRHR, a site must have "yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation" (PRC Section 5024.1; 14 CCR 4852).

4.4.4 Impacts Analysis

Would the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.2?

Based upon archival research and aerial photographs, the project site was heavily modified between 1953 and 2004 for agricultural use and surrounding housing developments. However, since that time, little additional development has taken place. No evidence of structures or other features is present within the available historical documentation for the parcel. There are no historical-era (greater than 45 years old) structures present on the project site, as described in Section 4.4.1.3. The SCIC records search as discussed in Section 4.4.1.3 identified 6 previous recorded historic addresses within the 1-mile search radius, however none were within the project's APE, are adjacent to the site or would otherwise be affected by the project. For these reasons, it has been

determined that the project would not result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.2, and potential impacts to historic resources as a result of project implementation would be **less than significant**.

Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.2?

As discussed under Section 4.4.1, a records search was conducted for the APE and surrounding 1-mile radius at the SCIC on January 23, 2019. These records indicate that there are no previously recorded cultural resources located within the project APE, however there are 21 cultural resources identified within the 1-mile search radius (see Table 4.4-2). The Phase I and II cultural resources study for the Cypress Point Project was conducted in conformance with Section 21083.2 of the California Public Resources Code and CEQA. The survey and archaeological testing program for the Cypress Point Project resulted in the identification of a diffuse and disturbed prehistoric shell scatter. All of the materials are likely related to the general prehistoric occupation of the San Luis Rey River region known to the San Luis Rey Band of Mission Indians as Quechla. Given the small quantity of artifacts dispersed across the project and the information generated by the testing program, the evaluation was reached that the project does not appear to contain any potentially significant cultural features or deposits. Based upon the documentation of only a sparse prehistoric shell deposit across the property, the proposed development would not result in adverse impacts to significant cultural resources, as defined in the California Code of Regulations, Section 15064.5.

However, due to the presence of shell scatter on-site, the potential exists to discover additional prehistoric deposits on the property during project construction. Although the trench results revealed that the property has been highly disturbed and it is unlikely that the any intact deposits remain, the potential exists that during grading and construction of the project site historic and/or prehistoric artifacts and deposits not encountered during testing could be discovered. Therefore, monitoring during ground-disturbing activities, such as grading or trenching, by a qualified archaeologist and Native American representative is recommended to ensure that if buried features are present, they will be handled in a timely and proper manner.

For these reasons, it has been determined that the project could have a **potentially significant impact** on archaeological resources pursuant to CEQA Guidelines Section 15064.2 and would require mitigation (refer to **MM-CUL-1** through **MM-CUL-9** below).

Would the project disturb any human remains, including those interred outside of formal cemeteries?

The project site is not used as a cemetery and is not otherwise known to contain human remains. Additionally, no evidence of human remains was discovered during the field surveys. However, this does not preclude finding human remains during project excavation and grading activities.

Disturbance of any unknown human remains would be a potentially significant impact. However, as standard construction practice, should any human remains be encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the immediate area until the County Coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code Section 5097.98. In addition, in accordance with CEQA Guidelines Section 15064.5(e), if the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours for identification of the most likely descended from the deceased Native American. Consequently, the project's adherence to the State Health and Safety Codes and CEQA Guidelines would ensure that any potential impacts remain below a level of significance. Furthermore, implementation of **MM-CUL-9** outlined below, would further ensure potential impacts related to the unexpected discovery of human remains would remain at a **less than significant** level.

4.4.5 Mitigation Measures

The following mitigation measures would reduce potentially significant impacts to archaeological resources to a level below significance.

MM-CUL-1 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 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.

MM-CUL-2 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 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.

MM-CUL-3 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.

MM-CUL-4 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 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.

MM-CUL-5 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 included in the Grading Plan Submittals for the Grading Permit.

MM-CUL-6 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 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 Luiseño 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 Luiseño Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected.

MM-CUL-7 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 Luiseño 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 repatriate to the Most Likely Descendant as determined by the Native American Heritage Commission (NAHC) per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.

MM-CUL-8 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.

MM-CUL-9 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 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 identified 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 Descendant.

4.4.6 Level of Significance After Mitigation

There are no historic-era structures eligible for listing under NRHP/CRHR or locally on the project site. Therefore, no significant impacts related to historic resources would occur and no mitigation is required.

With implementation of **MM-CUL-1** through **MM-CUL-9**, potentially significant impacts to cultural and archaeological resources would be reduced to a less than significant level.

No known human remains are located on the site. However, implementation of **MM-CUL-9**, and compliance with Section 7050.5 of the California Health and Safety Code and California Public Resources Code, Section 5097.98, would ensure potential impacts related to the unexpected discovery of human remains would be less than significant.

Therefore, with implementation of **MM-CUL-1** through **MM-CUL-9**, all impacts related to cultural resources would be reduced to a level of **less than significant**.

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4.5 ENERGY

This section describes the existing energy conditions of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Cypress Point project (proposed project) in the City of Oceanside (City). The following analysis is based on the latest version of California Emissions Estimator Model (CalEEMod), Version 2016.3.2, to estimate the proposed project's energy use (Air Quality Assessment, Appendix B).

4.5.1 Existing Conditions

Electricity

According to the U.S. Energy Information Administration (EIA), California used approximately 250,379 gigawatt hours of electricity in 2019 (EIA 2020a). Electricity usage in California for different land uses varies substantially by the types of uses in a building, type of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building. By sector in 2017, commercial uses utilized 46% of the state's electricity, followed by 35% for residential uses, and 19% for industrial uses (EIA 2019). Due to the state's energy efficiency building standards and efficiency and conservation programs, California's electricity use per capita in the residential sector is lower than any other state except Hawaii (EIA 2020b).

San Diego Gas & Electric (SDG&E) provides electric services to 3.6 million customers through 1.4 million electric meters located in a 4,100-square-mile service area that includes San Diego County (County) and southern Orange County (SDG&E 2018). SDG&E is a subsidiary of Sempra Energy and would provide electricity to the proposed project. According to the California Public Utilities Commission (CPUC), SDG&E customers consumed approximately 19,169 million kilowatt-hours (kWh) of electricity in 2015 (CPUC 2016).

SDG&E receives electric power from a variety of sources. According to CPUC's Biennial Renewable Portfolio Standard (RPS) Program Update, 43% of SDG&E's power came from eligible renewable energy sources in 2016, including biomass/waste, geothermal, small hydroelectric, solar, and wind sources (CPUC 2016).

Based on recent energy supply and demand projections in California, statewide annual peak electricity demand is projected to grow an average of 890 megawatts per year for the next decade, or 1.4% annually, and consumption per capita is expected to remain relatively constant at 7,200–7,800 kWh per person (CEC 2015).

In the County, the California Energy Commission (CEC) reported an annual electrical consumption of approximately 19.0 billion kWh in 2019, with 12.4 billion kWh for non-residential use and 6.7 billion kWh for residential use (CEC 2020).

Natural Gas

CPUC regulates natural gas utility service for approximately 10.8 million customers who receive natural gas from Pacific Gas & Electric (PG&E), Southern California Gas (SoCalGas), SDG&E, Southwest Gas, and several smaller natural gas utilities. CPUC also regulates independent storage operators Lodi Gas Storage, Wild Goose Storage, Central Valley Storage, and Gill Ranch Storage (CPUC 2017). SDG&E provides natural gas service to the Counties of San Diego and Orange and would provide natural gas to the proposed project. SDG&E is a wholesale customer of SoCalGas and currently receives all of its natural gas from the SoCalGas system (CPUC 2017).

The majority of California's natural gas customers are residential and small commercial customers (core customers). These customers accounted for approximately 32% of the natural gas delivered by California utilities in 2012. Large consumers, such as electric generators and industrial customers (noncore customers), accounted for approximately 68% of the natural gas delivered by California utilities in 2012 (CPUC 2017).

CPUC regulates California natural gas rates and natural gas services, including in-state transportation over transmission and distribution pipeline systems, storage, procurement, metering, and billing. Most of the natural gas used in California comes from out-of-state natural gas basins (CPUC 2017).

The CEC reports that SDG&E consumed a total of approximately 139 trillion British thermal units (Btu) of natural gas in 2013, including 20 trillion Btu for commercial buildings, 3.7 trillion Btu for industrial buildings, and 34 trillion Btu for residential use. In San Diego County, total natural gas consumption was approximately 537.8 million Btu in 2013, with 219.5 million Btu for non-residential use and 318.3 million Btu for residential use (California Gas and Electric Utilities 2014).

Petroleum

According to the EIA, California used approximately 681 million barrels of petroleum in 2018, with the majority (584 million barrels) used for the transportation sector (EIA 2021). This total annual consumption equates to a daily use of approximately 1.9 million barrels of petroleum. There are 42 U.S. gallons in a barrel, so California consumes approximately 78.4 million gallons of petroleum per day, adding up to an annual consumption of 28.7 billion gallons of petroleum. By sector, transportation uses utilize approximately 85.5% of the state's petroleum, followed by 11.1% from industrial, 2.5% from commercial, 0.9% from residential, and 0.01% from electric power uses (EIA 2018). Petroleum usage in California includes petroleum products such as motor

gasoline, distillate fuel, liquefied petroleum gases, and jet fuel. California has implemented policies to improve vehicle efficiency and to support use of alternative transportation, which are described in Section 4.5.2, below. As such, the CEC anticipates an overall decrease of gasoline demand in the state over the next decade.

Existing Infrastructure

Electricity and natural gas would be provided by San Diego Gas & Electric (SDG&E). There are existing electrical lines and natural gas pipeline within Pala Road and Los Arbolitos Boulevard, adjacent to the project site. The project would connect to existing dry utilities at Pala Road and Los Arbolitos Boulevard.

4.5.2 Regulatory Setting

Federal

Federal Energy Policy and Conservation Act

In 1975, Congress enacted the Federal Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, the National Highway Traffic Safety Administration is responsible for establishing additional vehicle standards. In 2012, new fuel economy standards for passenger cars and light trucks were approved for model years 2017 through 2021 (77 FR 62624–63200). Fuel economy is determined based on each manufacturer's average fuel economy for the fleet of vehicles available for sale in the United States.

Intermodal Surface Transportation Efficiency Act of 1991

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of intermodal transportation systems to maximize mobility and address national and local interests in air quality and energy. ISTEA contained factors that metropolitan planning organizations were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, metropolitan planning organizations adopted policies defining the social, economic, energy, and environmental values guiding transportation decisions.

Transportation Equity Act for the 21st Century

The Transportation Equity Act for the 21st Century was signed into law in 1998 and builds on the initiatives established in the ISTEA legislation, discussed above. The act authorizes highway, highway safety, transit, and other efficient surface transportation programs. The act continues the program structure established for highways and transit under ISTEA, such as flexibility in the use

of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of transportation decisions. The act also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of intelligent transportation systems to help improve operations and management of transportation systems and vehicle safety.

State

California Environmental Quality Act

Appendix F of the CEQA Guidelines calls for discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.

California Energy Commission

The CEC's Integrated Energy Policy Report set forth policies that would enable the state to meet its energy needs under the carbon constraints established in the 2006 Global Warming Solutions Act. The Integrated Energy Policy Report also provides a set of recommended actions to achieve these policies.

Warren-Alquist Act

The California Legislature passed the Warren-Alquist Act in 1974. The Warren-Alquist Act created the CEC. The legislation also incorporated the following three key provisions designed to address the demand side of the energy equation:

- It directed the CEC to formulate and adopt the nation's first energy conservation standards for both buildings constructed and appliances sold in California.
- The act removed the responsibility of electricity demand forecasting from the utilities, which had a financial interest in high demand projections, and transferred it to a more impartial CEC.
- The CEC was directed to embark on an ambitious research and development program, with a particular focus on fostering what were characterized as non-conventional energy sources.

State of California Energy Action Plan

The CEC and CPUC approved the first State of California Energy Action Plan in 2003. The plan established shared goals and specific actions to ensure that adequate, reliable, and reasonably priced electrical power and natural gas supplies are provided, and identified policies, strategies, and actions that are cost-effective and environmentally sound for California's consumers and

taxpayers. In 2005, a second Energy Action Plan was adopted by the CEC and CPUC to reflect various policy changes and actions of the prior 2 years.

At the beginning of 2008, the CEC and CPUC determined that it was not necessary or productive to prepare a new energy action plan. This determination was based in part on a finding that the state's energy policies have been significantly influenced by the passage of Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006 (discussed below). Rather than produce a new energy action plan, the CEC and CPUC prepared an "update" that examines the state's ongoing actions in the context of global climate change.

Senate Bill 1078 (2002)

This bill established the California RPS Program and required that a retail seller of electricity purchase a specified minimum percentage of electricity generated by eligible renewable energy resources as defined in any given year, culminating in a 20% standard by December 31, 2017. These retail sellers include electrical corporations, community choice aggregators, and electric service providers. The bill relatedly required the CEC to certify eligible renewable energy resources, design and implement an accounting system to verify compliance with the RPS by retail sellers, and allocate and award supplemental energy payments to cover above-market costs of renewable energy.

Senate Bills 107 (2006), X1-2 (2011), 350 (2015), and 100 (2018)

Senate Bill (SB) 107 (2006) accelerated the RPS established by SB 1078 by requiring that 20% of electricity retail sales be served by renewable energy resources by 2010 (not 2017). Additionally, SB X1-2 (2011) requires all California utilities to generate 33% of their electricity from eligible renewable energy resources by 2020. Specifically, SB X1-2 sets a three-stage compliance period: by December 31, 2013, 20% shall come from renewables; by December 31, 2016, 25% shall come from renewables; and by December 31, 2020, 33% shall come from renewables.

SB 350 (2015) requires retail seller and publicly owned utilities to procure 50% of their electricity from eligible renewable energy resources by 2030, with interim goals of 40% by 2024 and 45% by 2027.

SB 100 (2018) accelerated and expanded the standards set forth in SB 350 by establishing that 44% of the total electricity sold to retail customers in California per year by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030 be secured from qualifying renewable energy sources. SB 100 also states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of the retail sales of electricity to California. This bill requires that the achievement of 100% zero-carbon electricity resources does not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

Consequently, utility energy generation from non-renewable resources is expected to be reduced based on implementation of the 60% RPS in 2030. Therefore, any project's reliance on non-renewable energy sources would also be reduced.

Assembly Bill 1007 (2005)

AB 1007 (2005) required the CEC to prepare a statewide plan to increase the use of alternative fuels in California (State Alternative Fuels Plan). The CEC prepared the plan in partnership with the California Air Resources Board (CARB) and in consultation with the other state, federal, and local agencies. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

Assembly Bill 32 (2006) and Senate Bill 32 (2016)

In 2006, the Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020. In 2016, the Legislature enacted SB 32, which extended the horizon year of the state's codified GHG reduction planning targets from 2020 to 2030, requiring California to reduce its GHG emissions to 40% below 1990 levels by 2030. In accordance with AB 32 and SB 32, CARB prepares scoping plans to guide the development of statewide policies and regulations for the reduction of GHG emissions. Many of the policy and regulatory concepts identified in the scoping plans focused on increasing energy efficiencies and the use of renewable resources and reducing the consumption of petroleum-based fuels (such as gasoline and diesel). As such, the state's GHG emissions reduction planning framework creates co-benefits for energy-related resources. Additional information on AB 32 and SB 32 is provided in Section 3.7 of this EIR.

California Building Standards

Part 6 of Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California's building standards. Part 6 establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. Part 6 is updated periodically to incorporate and consider new energy efficiency technologies and methodologies.

The current Title 24, Part 6 standards, referred to as the 2019 Title 24 Building Energy Efficiency Standards, became effective on January 1, 2020. In general, single-family residences built to the 2019 standards are anticipated to use approximately 7% less energy due to energy efficiency measures than those built to the 2016 standards; once rooftop solar electricity generation is factored in, single-family residences built under the 2019 standards will use approximately 53%

less energy than those under the 2016 standards (CEC 2018a). Nonresidential buildings built to the 2019 standards are anticipated to use an estimated 30% less energy than those built to the 2016 standards (CEC 2018a).

Title 24 also includes Part 11, the California Green Building Standards (CALGreen). CALGreen establishes minimum mandatory standards as well as voluntary standards pertaining to the planning and design of sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and interior air quality. The 2019 CALGreen standards are the current applicable standards. Title 24 categorizes residential buildings that are 4 or more habitable levels as high-rise residential rather than mid-rise. High-rise residential are included in the nonresidential section of Title 24 and are thus, subject to the nonresidential code rather than the residential code. For nonresidential projects (which the project is subject to), some of the key mandatory CALGreen 2019 standards involve requirements related to bicycle parking, designated parking for clean air vehicles, electric vehicle (EV) charging stations, shade trees, water conserving plumbing fixtures and fittings, outdoor potable water use in landscaped areas, recycled water supply systems, construction waste management, excavated soil and land clearing debris, and commissioning (24 CCR Part 11).

Integrated Energy Policy Report

The CEC is responsible for preparing integrated energy policy reports that identify emerging trends related to energy supply, demand, and conservation; public health and safety; and maintenance of a healthy economy. The CEC's 2018 Integrated Energy Policy Report discusses the state's policy goals of decarbonizing buildings, doubling energy efficiency savings, and increasing flexibility in the electricity grid system to integrate more renewable energy (CEC 2018b). Specifically, for the decarbonizing of building energy, the goal would be achieved by designing future commercial and residential buildings to have their energy sourced almost entirely from electricity in place of natural gas. Regarding the increase in renewable energy flexibility, the goal would be achieved through increases in energy storage capacity within the state, increases in energy efficiency, and adjusting energy use to the time of day when the most amount of renewable energy is being generated. Over time these policies and trends would serve to beneficially reduce the project's GHG emissions profile and energy consumption as they are implemented.

Executive Order N-79-20. EO N-79-20 (2020) sets the goal for the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. EO-N-79-20 also sets goals for transition to 100% zero emission all medium- and heavy-duty vehicles by 2045, zero emission drayage trucks by 2035, and zero emission off-road vehicles and equipment by 2035, where feasible. Among other directives to further this executive order, for passenger cars and trucks, the Governor directed CARB to develop and propose regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards the target of 100% of in-state sales by 2035. The

Governor also directed the Governor's Office of Business and Economic Development to develop a Zero-Emissions Vehicle Market Development Strategy, which was completed in February 2021[1]. The executive order also directs updates and assessments to ensure zero-emission vehicle infrastructure is in place to support the levels of electric vehicle adoption required by the order.

Sustainable Communities Strategy

The Sustainable Communities and Climate Protection Act of 2008, or SB 375, coordinates land use planning, regional transportation plans, and funding priorities to help California meet its GHG emissions reduction mandates. As codified in California Government Code, Section 65080, SB 375 requires metropolitan planning organizations (San Diego Association of Governments) to include a sustainable communities strategy in its regional transportation plan. The main focus of the sustainable communities strategy is to plan for growth in a fashion that will ultimately reduce GHG emissions, but the strategy is also a part of a bigger effort to address other development issues within the general vicinity, including transit and VMT, which influence the consumption of petroleum-based fuels.

Local

City of Oceanside General Plan

Energy Climate Action Element

The Energy Climate Action Element (ECAE) of the General Plan addresses energy consumption and other activities within the City that may contribute to adverse energy and GHG impacts. The ECAE focuses on activities associated with human-induced climate change. The ECAE outlines sustainability goals and policies for the City's decision-making process including development review protocols. The primary themes and goals of the ECAE are related to energy efficiency and renewable energy, smart growth and multimodal transportation, zero waste, water conservation, urban greening, local agriculture, and sustainable consumption.

City of Oceanside Climate Action Plan

The City adopted a Climate Action Plan (CAP) in May of 2019, which seeks to align with state efforts to reduce greenhouse gas (GHG) emissions while balancing a variety of community interests such as quality of life, economic development, and social equity. The CAP outlines City measures and strategies to reduce GHG emissions to make progress towards meeting the State of California's 2050 GHG reduction goal. The CAP mirrors what the ECAE mentions regarding the different efforts that will be vital in meeting these goals for GHG reduction.

[1] https://static.business.ca.gov/wp-content/uploads/2021/02/ZEV_Strategy_Feb2021.pdf

4.5.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to energy are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to energy would occur if the proposed project would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

4.5.4 Impacts Analysis

Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction Use

As discussed in Chapter 3, the project would require an approximately 14-month-long construction period. The construction phases anticipated to occur include site preparation, rough grading, building construction and architectural coating, and paving. Heavy-duty construction equipment associated with construction activities would rely on diesel fuel, as would trucks associated with vendor and haul trips.

The amount of electricity used during construction would be minimal; typical demand would stem from the use of electrically powered hand tools and several construction trailers by managerial staff during the hours of construction activities. Natural gas is not anticipated to be required during construction of the project.

Heavy-duty construction equipment of various types would be used during each phase of construction. The CalEEMod analysis discussed in Appendix B to this EIR, includes the proposed construction schedule and assumed equipment usage. Based on that analysis, over all phases of construction, diesel-fueled construction equipment would run for an estimated 19,014 hours, as summarized in Table 4.5-1.

Table 4.5-1
Hours of Operation for Construction Equipment

Phase	Hours of Equipment Use
Site Preparation	560
Grading	1,536
Paving	960

Table 4.5-1
Hours of Operation for Construction Equipment

Phase	Hours of Equipment Use
Building Construction	15,640
Architectural Coating	318
Total	**19,014**

Source: Appendix B.

Fuel consumption from construction equipment was estimated based on the project's anticipated construction schedule by converting the total CO_2 emissions from each construction phase to gallons using conversion factors for CO_2 to gallons of diesel. Construction is estimated to occur over a 14-month period (2022-2023) based on the construction phasing schedule. The conversion factor for gasoline is 8.78 kilograms per metric ton CO_2 per gallon, and the conversion factor for diesel is 10.21 kilograms per metric ton CO_2 per gallon (The Climate Registry 2019). The estimated diesel fuel use from construction equipment is shown in Table 4.5-2.

Table 4.5-2
Construction Equipment Diesel Demand

Phase	Pieces of Equipment	Equipment CO_2 (MT)	kg CO_2/Gallon	Gallons
Site Preparation	7	16.86	10.21	1,651.38
Grading	6	42.03	10.21	4,116.95
Paving	6	20.19	10.21	1,977.36
Building Construction	9	268.17	10.21	26,265.09
Architectural Coating	1	2.68	10.21	262.97
			Total	**34,273.75**

Sources: Appendix B (pieces of equipment and equipment CO_2); The Climate Registry 2019 (kg/CO_2/gallon). CO_2 = carbon dioxide; kg = kilogram; MT = metric ton

Fuel consumption from worker and vendor trips is estimated by converting the total CO_2 emissions from each construction phase to gallons using the conversion factors for CO_2 to gallons of gasoline or diesel. Worker vehicles are analyzed as being gasoline fueled, and vendor/hauling vehicles are analyzed as being diesel fueled. Calculations for total worker, vendor, and hauler fuel consumption are provided in Tables 4.5-3, 4.5-4, and 4.5-5.

Table 4.5-3
Construction Worker Vehicle Gasoline Demand

Phase	Trips	Vehicle CO_2 (MT)	kg CO_2/Gallon	Gallons
Site Preparation	180	0.58	8.78	66.57
Grading	480	1.56	8.78	177.54
Paving	300	0.97	8.78	110.96
Building Construction	4,370	14.11	8.78	1,607.46
Architectural Coating	212	0.27	8.78	31.07
			Total	**1,993.60**

Sources: Appendix B (construction worker CO_2); The Climate Registry 2019 (kg/CO_2/gallon). CO_2 = carbon dioxide; kg = kilogram; MT = metric ton

Table 4.5-4
Construction Vendor Truck Diesel Demand

Phase	Trips	Vehicle CO_2 (MT)	kg/CO_2/Gallon	Gallons
Site Preparation	0	0.00	10.21	0.00
Grading	0	0.00	10.21	0.00
Paving	0	0.00	10.21	0.00
Building Construction	1,380	17.43	10.21	1,707.42
Architectural Coating	0	0.00	10.21	0.00
			Total	**1,707.42**

Sources: Appendix B (construction worker CO_2); The Climate Registry 2019 (kg/CO_2/gallon). CO_2 = carbon dioxide; kg = kilogram; MT = metric ton

Table 4.5-5
Construction Haul Truck Diesel Demand

Phase	Trips	Vehicle CO_2 (MT)	kg CO_2/Gallon	Gallons
Site Preparation	0	0.00	10.21	0.00
Grading	3,461	125.94	10.21	12,334.99
Paving	0	0.00	10.21	0.00
Building Construction	0	0.00	10.21	0.00
Architectural Coating	0	0.00	10.21	0.00
			Total	**12,334.99**

Sources: Appendix B (construction worker CO_2); The Climate Registry 2019 (kg/CO_2/gallon). CO_2 = carbon dioxide; kg = kilogram; MT = metric ton

As shown in Tables 4.5-2 through 4.5-5, the project is estimated to consume a total of approximately 50,310 gallons of petroleum during the construction phase. By comparison, approximately 14.8 billion gallons of petroleum would be consumed in California over the course of the proposed project's construction period based on the California daily petroleum consumption estimate of approximately 52.9 million gallons per day (CEC 2016). Additionally, the proposed project would be required to comply with CARB's Airborne Toxics Control Measure, which limits fuel use by restricting heavy-duty diesel vehicle idling time to 5 minutes. Based on

the calculations above, the project would not significantly affect the overall demand for petroleum considering the project's minimal contribution towards demand, and compliance with CARB's Airborne Toxics Control Measure.

Temporary electric power for as-necessary lighting and electronic equipment such as computers inside temporary construction trailers is not anticipated; however, electricity used for such activities would be less than that required for project operation and would have a minimal contribution to the project's overall energy consumption. Project construction would also involve use of non-renewable or slowly renewable resources used to create building materials including certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel, and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Construction would comply with all relevant energy-related regulations by conserving energy and natural resources to the extent feasible. The energy demands due to diesel and gasoline use during construction would be small relative to statewide and local demands for fuel use, as discussed previously. The energy consumption during project construction would be commensurate with typical construction projects and would not use energy wastefully or inefficiently. Therefore, impacts related to temporary energy consumption during construction of the project are considered to be **less than significant.**

Operational Use

Electricity

San Diego Gas & Electric (SDG&E) provides electric services to 3.6 million customers through 1.46 million electric meters and 892,000 natural gas meters throughout a 4,100- square-mile service area in San Diego and Southern Orange County (SDG&E 2020). According to the California Public Utilities Commission (CPUC), SDG&E consumed approximately 15,634 million kWh of electricity in total in 2018 (SDG&E 2020). Based on recent energy supply and demand projections in California, statewide per capita consumption is expected to remain relatively constant at 7,200–7,800 kWh per person (CEC 2015). In the County, SDG&E reported an annual electrical consumption of approximately 15,634 million kWh in 2018, with 8,550 million kWh for non-residential use and 7,084 million kWh for residential use (SDG&E 2019). More specifically, within the City, annual electricity consumption (encompassing both residential and non- residential) is approximately 654,557,305 kWh in 2018 (SDG&E 2019).

CalEEMod estimates energy usage associated with building systems that are regulated under Title 24 (such as the heating and cooling system), lighting, and use of, appliances, plug-ins, and other sources not covered by Title 24. CalEEMod estimated that the project would consume approximately 437,178 kWh of electricity annually. Compared with the City's annual electricity consumption, the anticipated increase in consumption associated with one year of project

operation is approximately 0.07% of the City's use. Considering the project would be consistent with the City's General Plan and Zoning for the site, the local and regional electricity demand planning would have included the project. In addition, the project would comply with Title 24 energy efficiency standards.

Natural Gas

The CPUC regulates California natural gas rates and natural gas services, including in-state transportation over transmission and distribution pipeline systems, storage, procurement, metering, and billing. Most of the natural gas used in California comes from out-of-state natural gas basins. SDG&E provides natural gas service to San Diego and Orange Counties, and would provide service to the project site. CalEEMod estimated that the project would consume approximately 1.26 million thousand British thermal units (kBtu) of natural gas annually. By comparison, the City consumed approximately 4,877 million kBtu in 2018 (SDG&E 2019). The anticipated increase in consumption associated with one year of project operation is approximately 0.03% of the SDG&E existing demand. Considering the project would be consistent with the City's General Plan and Zoning for the site, the local and regional natural gas demand planning would have included the project. In addition, the project would comply with Title 24 energy efficiency standards.

Petroleum

There are more than 35 million registered vehicles in California, and those vehicles consume an estimated 1.45 billion gallons of fuel each year (CEC 2019; DMV 2019). Petroleum currently accounts for approximately 92% of California's transportation energy consumption (CEC 2019). However, technological advances, market trends, consumer behavior, and government policies could result in significant changes in fuel consumption by type and in total. At the federal and state levels, various policies, rules, and regulations have been enacted to improve vehicle fuel efficiency, promote the development and use of alternative fuels, reduce transportation-source air pollutants and greenhouse gas (GHG) emissions, and reduce vehicle miles traveled (VMT). Market forces have driven the price of petroleum products steadily upward over time, and technological advances have made use of other energy resources or alternative transportation modes increasingly feasible. Largely as a result of and in response to these multiple factors, gasoline consumption within the state has declined in recent years, and availability of other alternative fuels and energy sources has increased. The quantity, availability, and reliability of transportation energy resources have increased in recent years, and this trend may likely continue and accelerate (CEC 2019). Increasingly available and diversified transportation energy resources act to promote continuing reliable and affordable means to support vehicular transportation within the state.

CalEEMod estimated that the project would generate approximately 940,859 vehicle miles traveled per year. Similar to construction worker and vendor trips, fuel consumption was

estimated by converting the total CO_2 emissions from each land use type to gallons using the conversion factors for CO_2 to gallons of gasoline or diesel. Based on the annual fleet mix provided in CalEEMod, 93% of the fleet range from light-duty to medium-duty vehicles and motorcycles were assumed to run on gasoline. The remaining 7% of vehicles represent medium-heavy duty to heavy-duty vehicles and buses/recreational vehicles, which were assumed to run on diesel. Calculations for annual mobile-source fuel consumption are provided in Table 4.5-6.

Table 4.5-6
Mobile Source Fuel Consumption – Operation

Fuel	Vehicle MT CO_2	kg CO_2/Gallon	Gallons
Gasoline	322.11	8.78	36,687.31
Diesel	24.29	10.21	2,378.59
		Total	**39,065.90**

Sources: Appendix B (mobile source CO_2); The Climate Registry 2019 (kg/CO_2/gallon). CO_2 = carbon dioxide; kg = kilogram; MT = metric ton

As shown in Table 4.5-6, mobile sources from the proposed project would result in approximately 36,687 gallons of gasoline per year and 2,379 gallons of diesel consumed per year beginning in 2023. By comparison, California as a whole consumed approximately 1.45 billion gallons of petroleum in 2018 (CEC 2019).

Over the lifetime of the project, the fuel efficiency of the vehicles being used by residents, visitors, and employees is expected to increase. As such, the amount of petroleum consumed as a result of vehicular trips to and from the project site during operation would decrease over time.

In summary, although the project would increase electricity, natural gas and petroleum use during operation, considering the size of the project, estimated use of these resources would be minimal relative to existing statewide and local demands. Energy consumption during project operation would be commensurate with typical single-family residential projects and would not use energy wastefully or inefficiently. Furthermore, in addition to the project's infill location, the project would include several sustainability design features to reduce potential energy and water usage, and promote pedestrian and bicycle travel such as (but not limited to) installing a solar system for each unit, installation of 90% LED lighting or other high-efficiency lightbulbs, installation of energy star or equivalent energy efficient appliances, and bicycle parking facilities. Given these considerations, energy consumption associated with construction and operation of the project would not be considered wasteful, inefficient, or unnecessary consumption of energy resources and impacts would **be less than significant**.

Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The project would meet the Title 24 and CALGreen standards to reduce energy demand and increase energy efficiency. Title 24 of the California Code of Regulations contains energy efficiency standards for residential and nonresidential buildings based on a state mandate to reduce California's energy demand. Specifically, Title 24 addresses a number of energy efficiency measures that impact energy used for lighting, water heating, heating, and air conditioning, including the energy impact of the building envelope such as windows, doors, skylights, wall/floor/ceiling assemblies, attics, and roofs.

Title 24, Part 6 specifically establishes energy efficiency standards for residential and nonresidential buildings constructed in the State of California in order to reduce energy demand and consumption. The proposed project would comply with Title 24, Part 6, per state regulations.

Title 24, Part 11. In addition to the CEC's efforts, in 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11 of Title 24) is commonly referred to as California's Green Building Standards (CALGreen), and establishes minimum mandatory standards as well as voluntary standards pertaining to the planning and design of sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and interior air quality. The CALGreen standards took effect in January 2011 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential and state-owned buildings and schools and hospitals.

The 2019 CALGreen standards are the current applicable standards. The 2019 update to the Building Energy Efficiency Standards focuses on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings. The most significant efficiency improvements to the residential Standards include the introduction of photovoltaic into the prescriptive package, improvements for attics, walls, water heating, and lighting. The Standards are conceptually divided into three basic sets. First, there is a basic set of mandatory requirements that apply to all buildings. Second, there is a set of performance standards the energy budgets - that vary by climate zone (of which there are 16 in California) and building type; thus the Standards are tailored to local conditions, and provide flexibility in how energy efficiency in buildings can be achieved. Finally, the third set constitutes an alternative to the performance standards, which is a set of prescriptive packages that provide a recipe or a checklist compliance approach. (24 CCR Part 11).

Title 20. Title 20 of the California Code of Regulations requires manufacturers of appliances to meet state and federal standards for energy and water efficiency. The CEC certifies an appliance

based on a manufacturer's demonstration that the appliance meets the standards. New appliances regulated under Title 20 include refrigerators, refrigerator-freezers, and freezers; room air conditioners and room air-conditioning heat pumps; central air conditioners; spot air conditioners; vented gas space heaters; gas pool heaters; plumbing fittings and plumbing fixtures; fluorescent lamp ballasts; lamps; emergency lighting; traffic signal modules; dishwashers; clothes washers and dryers; cooking products; electric motors; low-voltage dry-type distribution transformers; power supplies; televisions and consumer audio and video equipment; and battery charger systems. Title 20 presents protocols for testing each type of appliance covered under the regulations, and appliances must meet the standards for energy performance, energy design, water performance and water design. Title 20 contains three types of standards for appliances: federal and state standards for federally regulated appliances, state standards for federally regulated appliances, and state standards for non-federally regulated appliances.

Additionally, it is anticipated that operational vehicles would meet the applicable standards of Assembly Bill 1493 (vehicles manufactured in 2009 or later), and as a result, would likely consume less energy as fuel efficiency standards increase and vehicles are replaced. Natural gas and electricity are supplied to the project site by SDG&E. The proposed project would result in an increased use of natural gas and electricity during operation compared with the existing conditions. However, the project would result in a nominal increase in natural gas and electricity over the City's typical annual natural gas and electricity consumption.

Implementation of the project would not result in the reduction of substantial amounts of local or regional energy supplies compared to existing conditions. The resultant increase in energy demand would not exceed the available capacity of SDG&E servicing infrastructure to the site or beyond. Further, as substantiated in the calculations above, the increase in electricity and natural gas usage attributable to the proposed project falls within the current electricity and natural gas local demands. Considering the project would be consistent with the City's General Plan and Zoning for the site, the local and regional energy demand planning would have included the project. In addition, the project would comply with Title 24 energy efficiency standards, use appliances that meet Title 20 requirements, and implement sustainability design features. As outlined in Chapter 3 of this EIR, proposed sustainability design features to be incorporated into the project design include a solar system for each home within the development, installation of 90% light-emitting diode (LED) lighting or other high-efficiency lightbulbs, installation of energy star or equivalent energy efficient appliances, low-flow water fixtures and appliances, drought-tolerant landscaping and water efficient irrigation systems throughout the site, and bicycle parking facilities for residents. Therefore, it has been determined that the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would be **less than significant**.

4.5.5 Mitigation Measures

Impacts related to energy as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.5.6 Level of Significance After Mitigation

No substantial impacts related to energy were identified; therefore, no mitigation measures are required. Impacts related to energy would be **less than significant**.

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4.6 GEOLOGY AND SOILS

This section describes the existing geological setting of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures as necessary related to implementation of the Cypress Point project (proposed project). The following analysis is based on the Geotechnical Investigation that was prepared for the proposed project by Leighton and Associates, Inc. in October 2020 and is incorporated by reference herein. The Geotechnical Report is included as Appendix F of this environmental impact report (EIR). A Slope Analysis prepared by Mega Engineering Consultants in January 2021 is also referenced herein and is included as Appendix P to this EIR.

4.6.1 Existing Conditions

4.6.1.1 Regional Geologic Setting

The project area is situated in the Peninsular Ranges Geomorphic Province of California. This geomorphic province encompasses an area that extends approximately 900 miles from the Transverse Ranges and the Los Angeles Basin south to the southern tip of Baja California and varies in width from approximately 30 to 100 miles. The province is characterized by mountainous terrain on the east composed mostly of Mesozoic igneous and metamorphic rocks, and relatively low-lying coastal terraces to the west underlain by late Cretaceous-age, Tertiary-age, and Quaternary-age sedimentary units. Most of the coastal region of the County of San Diego, including the site, occurs within this coastal region and are underlain by sedimentary units. More locally, the site generally consists of subdued landforms underlain by sedimentary bedrock.

4.6.1.2 Site Geology

Topography

The 7.3-acre project site is located in the northwestern portion of the City of Oceanside (City), which is within the northwestern portion of San Diego County (County) (Figure 2-1, Project Location). The project site is undeveloped but has been graded previously for adjacent developments, and contains isolated culverts and dirt pedestrian pathways throughout. The topography of the project site is generally flat and roughly rectangular with a gentle slope towards the southwest end of the project site. Elevations vary between approximately 48 feet above mean sea level to approximately 50 feet above mean sea level. The project site is bounded on the north and west by the San Luis Rey River corridor and on the south and east by existing residential properties.

Soil and Geologic Conditions

Geologist from Leighton and Associates, Inc. performed a subsurface exploration of the project site on July 21 and September 18, 2020 which consisted of excavating twelve (12) exploratory test pits and four (4) cone penetration tests (CTPs). The exploratory test pits (TP-1 through TP-12) were advanced with rubber tire backhoe to characterize the on site soils, including those likely to be encountered at and below the proposed foundation elevations for the proposed project. The 4 CPTs were also advanced to further characterize the onside soils for the purpose of evaluating liquefaction potential. A geologist from Leighton and Associates, Inc. visually logged the soil types encountered in accordance with ASTM D2488. Select soil samples were obtained for laboratory testing. The approximate locations for the test pits and CPTs, and the test pit logs and CPT profiles are included in Appendix F of this EIR.

Based on subsurface exploration, aerial photographic analysis, and review of pertinent geologic literature and maps, the geologic units underlying the site consists of localized undocumented artificial fill overlying alluvial floodplain deposits, specifically Quaternary-aged Young Alluvial Floodplain Deposits (Appendix F). A brief description of the geologic units encountered on the site are presented below. Refer to Figure 4.6-1, Geologic Map, for the locations of these geologic units on site.

Undocumented Fill Material (Afu)

The undocumented fill soils generally consist of loose to medium dense silty sands with gravels that are generally less than 1 to 3 feet in depth. The fill was placed during the site's initial disturbance, potentially associated with the construction of a levee, and deeper fills may exist that were not observed during the exploration. As encountered, the fill soils generally consisted of light gray, dry to moist, loose to medium dense, silty sand with gravels. Older fill to the west of the site were placed during construction of the San Luis Rey River Flood Control Project[1]. Based on review by Leighton and Associates, Inc., these fills were properly compacted up to the top of the levee.

Quaternary Young Alluvial Deposits (Qya)

Quaternary-aged Young Alluvial Deposits were observed to underlie the project site. As encountered, young alluvial flood-plain deposits underlay the fill, mentioned above, and consists

[1] As part of the Geotechnical Investigation prepared for the proposed project by Leighton and Associates, Inc. (Appendix F of this EIR), a limited review was performed of the various As-built plans related to the San Luis Rey River Flood Control Project by the United States Army Corps of Engineers (1994, 1999). Improvements related to that project consisted of construction of a grouted stone lined levee embankment, including placement of completed fill, aggregate base and asphaltic concrete pavement. The levee construction consisted of removing upper 5 feet of alluvial material and placing compacted fill at 92% relative compaction for levee 2:1 fill slopes.

of materials that range from silts and clays to sands and gravels. The materials are generally unconsolidated, loose to medium dense and soft to firm. The young alluvial generally consists of interbedded layers of medium to dark gray, friable, loose to medium dense, sandy silts to silty sands and silty clays.

Geologic Hazards

Faulting and Seismicity

The project site can be considered to lie within a seismically active region, as can all of Southern California. The California Mining and Geology Board defines an active fault as a fault which has had surface displacement within Holocene time (about the last 11,000 years). The state geologist has defined a pre-Holocene fault as any fault considered to have been active during Quaternary time (last 1,600,000 years). This definition is used in delineating Earthquake Fault Zones as mandated by the Alquist-Priolo Earthquake Faulting Zones Act of 1972 (Alquist-Priolo Act) and as most recently revised in 2007. The intent of this act is to assure that unwise urban development and certain habitable structures do not occur across the traces of active faults.

The project site is not located within any Earthquake Fault Zone (EFZ) as documented by the Alquist-Priolo Act, and there are no known active or potentially active faults transecting or projecting toward the project site (Appendix F). The nearest active fault is the Rose Canyon Fault located approximately 7.5 miles west of the site.

Utilizing American Society of Civil Engineers (ASCE) Standard 7-10, the following additional parameters for the peak horizontal ground acceleration are associated with the Geometric Mean Maximum Considered Earthquake (MCEG). The mapped MCEG peak ground acceleration (PGA) is 0.41g for the project site. For a Site Class D, the FPGA is 1.19 and the mapped peak ground acceleration adjusted for Site Class effects (PGAM) is 0.488g for the project site. Ground rupture because of active faulting is not likely to occur on site due to the absence of known active faults. Cracking due to shaking from distant seismic events is not considered an existing significant hazard, although it is a possibility at any site in Southern California.

Liquefaction

Liquefaction and dynamic settlement of soils can be caused by strong vibratory motion due to earthquakes. Both research and historical data indicate that loose, saturated, granular soils are susceptible to liquefaction and dynamic settlement. Liquefaction is typified by a loss of shear strength in the affected soil layer, thereby causing the soil to behave as a viscous liquid. This effect may be manifested by excessive settlements and sand boils at the ground surface. Near surface soils are anticipated to have very low to low expansion potential; however, several discontinuous and variable thickness layers of saturated alluvial materials are located between a depth of

approximately 17 to 52 feet below ground surface. These layers are considered susceptible to liquefaction at the design earthquake ground motion, which is roughly estimated at between approximately 1.3 to 3.1 inches (Appendix F).

Landslides

Several formations within the San Diego region are particularly prone to landsliding. These formations generally have high clay content and mobilize when they become saturated with water. Other factors, such as steeply dipping bedding that project out of the face of the slope and/or the presence of fracture planes, will also increase the potential for landsliding. No landslides or indications of deep-seated landsliding were indicated at the site during the field exploration, or site reconnaissance.

Flood Hazard

According to a Federal Emergency Management Agency (FEMA) flood insurance rate map for the project site, the majority of the project site is located within a Zone X floodplain, and the southwestern portion of the project site is located in Zone AO (100-year) floodplain.

Surface Water and Ground Water

No indication of surface water or evidence of surface ponding was encountered within the limits of the proposed development during the geotechnical investigation performed at the site. It is expected that surface water drains as sheet flow across the site during rainy periods.

Groundwater was not observed in the test pit explorations performed at the project site. There is the possibility that perched ground water levels may develop and fluctuate during periods of precipitation. From the investigations performed, it is anticipated that any static ground water would be at a depth of approximately 17 feet below the existing ground surface (bgs), or an elevation of 31 feet msl. It is anticipated that the lowest site foundations and utilities associated with project implementation would be above the existing static ground water table at the project site (Appendix F).

4.6.1.3 Paleoenvironment

As described in the Phase I and II Cultural Resources Study prepared for the proposed project (Appendix E), at the end of the final period of glaciation, approximately 10,000 to 11,000 years before the present (YBP), the sea level was considerably lower than it is now; the coastline at that time would have been two to two and a half miles west of its present location. At approximately 7,000 YBP, the sea level rose rapidly, filling in many coastal canyons that had been dry during the glacial period. The period between 7,000 and 4,000 YBP was characterized by conditions that were drier and warmer than they were previously, followed by a cooler, moister environment similar to the present-day climate. Changes in sea level and coastal topography are often

manifested in archaeological sites through the types of shellfish that were utilized by prehistoric groups. Different species of shellfish prefer certain types of environments, and dated sites that contain shellfish remains reflect the setting that was exploited by the prehistoric occupants.

Based upon the Phase I survey results, potential for both historic and prehistoric deposits across the property was investigated through the implementation of a Phase II trench sampling program. The subject property has been previously disturbed and it is recognized that there is a possibility that any prehistoric or historic occupation deposits within the project could have resulted from previous land development on adjacent parcels, within the parcel, or as a result of secondary deposition from historic flooding episodes along the San Luis Rey River. During the field survey completed for the Phase I and II Cultural Resources Study, an unconsolidated scatter of prehistoric shell was identified in the northern quarter of the project site. The marine shell was observed within previously impacted soil brought up to the surface by the development of a drainage ditch that runs northwest to southeast across the northern portion of the parcel. The shell scatter was identified as fragments of *Ostrea* sp.*, Chione* sp.*, and Donax* sp., with the greatest concentration measuring 15 meters north to south by seven meters east to west. Additional shell fragments were identified north of the shell scatter, but this is likely the result of previous disturbance to the project site created by grading, which would have spread the shell scatter outward. The presence of the unconsolidated scatter of shell materials indicates a potential for subsurface deposits to also be present (Appendix E).

4.6.2 Regulatory Setting

Federal

International Building Code

The International Building Code (IBC) is a model building code developed by the International Code Council that provides the basis for the CBC. The purpose of the IBC is to provide minimum standards for building construction to ensure public safety, health, and welfare. Prior to the creation of the IBC, several different building codes were used; however, by the year 2000, the IBC had replaced these previous codes. The IBC is updated every 3 years.

Occupational Safety and Health Administration Regulations

Excavation and trenching are among the most hazardous construction activities. The Occupational Safety and Health Administration (OSHA) Excavation and Trenching standard, Title 29 of the Code of Federal Regulations, Part 1926.650 et seq., covers requirements for excavation and trenching operations. OSHA requires that excavations in which employees could potentially be exposed to cave-ins be protected by sloping or benching the sides of the excavation, supporting the sides of the excavation, or placing a shield between the side of the excavation and the work area.

State

California Geologic Survey

The California Geologic Survey provides guidance with regard to seismic hazards. The California Geologic Survey's Special Publication 117A, Guidelines for Evaluating and Mitigating Seismic Hazards in California (CGS 2008), provides guidance for evaluation and mitigation of earthquake-related hazards for projects within designated zones of required investigation.

State of California Division of Occupational Safety and Health, California Department of Industrial Relations

The State of California Division of Occupational Safety and Health (CalOSHA) Excavations Standard (Subchapter 4, Article 6) details requirements for excavation operations. CalOSHA requires that all excavations in which employees could potentially be exposed to cave-ins be protected by sloping or benching the sides of the excavation, supporting the sides of the excavation, or placing a shield between the side of the excavation and the work area. Article 6 also includes a Tailgate/Toolbox Guide for Trenching Safety before and during excavation activities.

California Building Code

The CBC has been codified in the California Code of Regulations as Title 24, Part 2. Title 24 is administered by the California Building Standards Commission, which, by law, is responsible for coordinating building standards. Under state law, building standards must be centralized in Title 24 to be enforceable. The purpose of the CBC is to establish minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, and general stability by regulating and controlling the design, construction, quality of materials, use, occupancy, location, and maintenance of all building and structures within its jurisdiction. The provisions of the CBC apply to the construction, alteration, movement, replacement, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California. The CBC describes requirements for engineering geologic reports, supplemental ground-response reports, and geotechnical reports (California Building Standards Commission 2016).

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act of 1972 (California Public Resources Code, Sections 2621–2630) regulates development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. The act helps define areas where fault rupture is most likely to occur. The act groups faults into categories of active, potentially active, and inactive. Historic and Holocene age faults are considered active. Late Quaternary and

Quaternary age faults are considered potentially active and pre-Quaternary age faults are considered inactive. These classifications are qualified by the conditions that a fault must be shown to be sufficiently active and well defined by detailed site-specific geologic explorations in order to determine whether building setbacks should be established. Cities and counties affected by the zones must regulate certain development projects within the zones. They must withhold development permits for sites within the zones until geologic investigations demonstrate that the sites are not threatened by surface displacement from future faulting. The project site is not identified on an Alquist-Priolo Earthquake Fault Zoning Map.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (California Public Resources Code, Sections 2690–2699.6) addresses earthquake hazards from non-surface fault rupture, including liquefaction, landslides, strong ground shaking, or other earthquake and geologic hazards. The Seismic Hazards Mapping Act also specifies that the lead agency for a project may withhold development permits until geologic or soils investigations are conducted for specific sites and mitigation measures are incorporated into plans to reduce hazards associated with seismicity and unstable soils. The project site is not identified on a seismic hazards map.

CEQA- Paleontological Resources

Paleontological resources are limited, nonrenewable resources of scientific, cultural, and educational value and are afforded protection under state (CEQA) laws and regulations. This study satisfies project requirements in accordance with CEQA (13 PRC, 2100 et seq.) and Public Resources Code Section 5097.5 (Stats 1965, c 1136, p. 2792). This analysis also complies with guidelines and significance criteria specified by the SVP (2010).

Paleontological resources are explicitly afforded protection by CEQA, specifically in Section VII(f) of CEQA Guidelines Appendix G, the "Environmental Checklist Form," which addresses the potential for adverse impacts to "unique paleontological resource[s] or site[s] or … unique geological feature[s]." This provision covers fossils of signal importance – remains of species or genera new to science, for example, or fossils exhibiting features not previously recognized for a given animal group – as well as localities that yield fossils significant in their abundance, diversity, preservation, and so forth. Further, CEQA provides that generally, a resource shall be considered "historically significant" if it has yielded or may be likely to yield information important in prehistory (PRC 15064.5 [a][3][D]). Paleontological resources would fall within this category. The PRC, Chapter 1.7, sections 5097.5 and 30244 also regulates removal of paleontological resources from state lands, defines unauthorized removal of fossil resources as a misdemeanor, and requires mitigation of disturbed sites.

Local

City of Oceanside General Plan

Public Safety Element

State of California law requires that each city prepare and adopt an approved General Plan that provides comprehensive, long-term guidance for the City's future. General Plans are also required to contain specific elements regarding different areas of planning; relevant elements include land use, environmental resource management, and public safety. While each element outlines policies, plans, and goals that guide the City to maintaining and improving each area of development, the Public Safety Element specifically addresses seismic hazards and geologic conditions.

The Public Safety Element includes the following seismic and geologic hazard objectives:

1. Consider seismic and geologic hazards when making land use decisions particularly in regard to critical structures.
2. Minimize the risk of occupancy of all structures from seismic and geologic occurrences.
3. Provide to the public all available information about existing seismic and geologic conditions.

The Public Safety Element includes the Public Safety Plan that includes definitions, maps, and mitigation information for seismic and geologic hazards that exist within the City.

Environmental Resource Management Element

The Environmental Resource Management Element includes the following policy for soil, erosion, and drainage:

1. Consider appropriate engineering and land use planning techniques to mitigate rapid weathering of the rocks, soil erosion, and the siltation of the lagoons.

The Environmental Resource Management Element also provides a general map of soil types within the City (Figure ERM-3, Soil and Land Forms).

Land Use Element

The Land Use Element contains the following objectives and policies regarding geology and soils:

3.14 Grading and Excavations: To provide mitigation recommendations for grading and excavations in the City of Oceanside.

Policy 3.14A: Investigation and evaluation of currently affected areas will indicate the measures to be included, such as the following measures:

1. Keep grading to a minimum, leave vegetation and soils undisturbed wherever possible.
2. Plant bare slopes and cleared areas with appropriate vegetation immediately after grading.
3. Chemically treat soils to increase stability and resistance to erosion.
4. Install retaining structures where appropriate.
5. Construct drainage systems to direct and control rate of surface runoff.
6. Construct silt traps and settling basins in drainage systems.
7. Construct weirs and check dams on streams.

City of Oceanside Building Code

Chapter 6, Building Construction Regulations, of the City's Municipal Code outlines the regulations and requirements for construction of buildings within the City's jurisdiction, including seismic and geologic safety design standards. The City adopts the most recent CBC as the local building code and makes amendments as needed.

City of Oceanside Grading Ordinance

City of Oceanside Grading Ordinance (City of Oceanside 1992) requires that all grading, clearing, brushing, or grubbing on natural or existing grade must have a grading permit from the City Engineer. A Landscape and Irrigation Plan is required for developments such as but not limited to commercial, grading permits, grading slopes, industrial, parking lots, planned residential developments, remodeling which requires a permit, and subdivisions. Said plan shall include details regarding landscaping, erosion control, and irrigation features. Section 1501(d) of the City's Grading Ordinance details requirements and practices of the Erosion Control System to lessen the potential for sediment runoff and erosion.

4.6.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to geology and soils are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to geology and soils would occur if the proposed project would (14 CCR 15000 et seq.):

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
    a. 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? Refer to Division of Mines and Geology Special Publication 42.

b. Strong seismic ground shaking.

c. Seismic-related ground failure, including liquefaction.

d. Landslides.

2. Result in substantial soil erosion or the loss of topsoil.

3. 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.

4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

5. 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.

6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

4.6.4 Impacts Analysis

Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (a) 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 based on other substantial evidence of as known fault. (Refer to Division of Mines and Geology Special Publication 42); (b) strong seismic ground shaking; (c) seismic-related ground failure, including liquefaction; or (d) landslides?

(a) As described under Section 4.6.1.2 above, the project site can be considered to lie within a seismically active region, as can all of Southern California. However, the project site is not located within any Earthquake Fault Zone (EFZ) as documented by the Alquist-Priolo Act, and there are no known active or potentially active faults transecting or projecting toward the project site (Appendix F). The nearest active fault is the Rose Canyon Fault located approximately 7.5 miles west of the site. Therefore, ground rupture because of active faulting is not likely to occur on site due to the absence of known active faults. Cracking due to shaking from distant seismic events is not considered an existing significant hazard, although it is a possibility at any site in Southern California. Implementation of recommendations outlined in the Geotechnical Report (Section 6.0 of Appendix F to this EIR), and adherence to the California Building Code requiring specific performance standards to address geologic hazards, would ensure impacts related to faulting and seismicity would remain at a **less than significant** level.

(b) Due to regional proximity to major known active fault zones such as the Rose Canyon Fault, Newport-Inglewood Fault, Lake Elsinore Fault, and San Jacinto Fault, the project site lies in a seismically active region. The project site is likely to be subjected to strong ground motion from seismic activity similar to that of the rest of the San Diego County and Southern California, due to the seismic activity of the region as a whole. With adherence to the IBC and CBC requiring specific performance standards and implementation of the Geotechnical Report recommendations (Section 6.0 of Appendix F to this EIR), project impacts related to strong seismic ground shaking would be **less than significant**.

(c) As described in the Geotechnical Report (Appendix E), based on the results of the liquefaction analysis, several discontinuous and variable thickness layers of saturated alluvial materials are located between a depth of approximately 17 to 52 feet bgs. As encountered in the CPT explorations, these layers are considered susceptible to liquefaction. However, implementation of all recommendations outlined in Section 6.0 of the Geotechnical Report (Appendix F) would ensure potential impacts related to liquefaction would not be significant.

The susceptibility to earthquake-induced lateral spread is considered to be low for the project site because of the generally discontinuous nature of the underlying liquefiable layers, construction method of the fortified levee at the San Luis Rey River, and the nearest distance to an open slope face (approximately 150 feet to the San Luis Rey river), as shown in Appendix P, Slope Analysis.

As described above, majority of the project site is located within a Zone X floodplain, and the southwestern portion of the project site is located in Zone AO (100-year) floodplain. However, based on the site reconnaissance, the potential for flooding of the project site is considered low since the adjacent portion of the San Luis Rey River has been channelized. Furthermore, based on the site elevation of approximately 50 feet msl, the distance of the project site from the Pacific coastline, and the CGS Tsunami Inundation Map of the area, the potential for flood damage to occur at the project site from a tsunami or seiche is considered low.

For the reasons stated above, potential impacts related to seismic-related ground failure are considered to be **less than significant**.

(d) The Geotechnical Report prepared for the proposed project found no evidence of landslides or instability on-site or in the immediate area. The field reconnaissance and the local geologic maps indicate the project site is generally underlain by favorable oriented geologic structure, consisting of massively bedded silty to clayey sands and sandy to silty clays, and flat lying topographic conditions. Therefore, potential impacts associated with significant landslides or large-scale slope instability at the project site is considered to be **less than significant**.

Overall, the project would result in a **less than significant** impact related to risk of loss, injury, or death involving earthquake faults, seismic ground shaking and seismic-related ground failure with implementation of Geotechnical Report recommendations and IBC and CBC compliance.

Would the project result in substantial soil erosion or the loss of topsoil?

The potential for erosion would increase during construction as a result of vehicles, heavy equipment, and general earth work accelerating the erosion process. Wind erosion could occur on bare soils or where vehicles and equipment cause dust. The project would be subject to compliance with the City's General Plan Grading and Excavations Objective and Policy 3.14A identified in Section 4.6.2, Regulatory Setting, above that requires measures during grading to reduce erosion. Refer to Section 4.9, Hydrology and Water Quality, for additional details. Additionally, all recommendations outlined in the Geotechnical Report (Appendix F) would be implemented, including recommendations related to grading activities. Additionally, potential erosion impacts would be avoided by adherence to the erosion control standards established by the City's Grading Ordinance and through implementation of best management practices required by the Stormwater Pollution Prevention Plan (SWPPP) (refer to Section 4.9, Hydrology and Water Quality, for more information). Furthermore, the proposed project would incorporate landscaping throughout the site and along the site boundary. The proposed landscaping features covering vacant land would inhibit erosion and proposed landscaping would stabilize soils thereby reducing erosion potential on the project site. Therefore, impacts related to soil erosion are determined to be **less than significant**.

Would the project 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?

Please refer to response to Threshold 1(c) above. With implementation of all recommendations outlined in the Geotechnical Report (Appendix F to this EIR), potential impacts related to liquefaction, spreading, subsidence, collapse, and unstable soils would be **less than significant**.

Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

According to the Geotechnical Report, the on-site soil materials possess a very low to medium expansion potential. Although not anticipated, if an abundance of highly expansive materials is encountered, selective grading may need to be performed (Appendix F). In addition, to accommodate conventional foundation design, the upper five feet of materials within the building pad and five feet outside the limits of the building foundation should have a very low to low expansion potential (EI<50) (Appendix F). With implementation of the recommendations outlined

in Section 6.0 of the Geotechnical Report (Appendix F), impacts related to expansive soils would be **less than significant**.

Would the project 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?

The proposed project would be provided sewer service through the City, as discussed in Section 4.17, Utilities and Service Systems. The project does not propose or require the use of septic tanks or alternative waste water disposal systems. Therefore, **no impact** would occur.

Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

As discussed under the Section 4.6.1.3 above, the potential for both historic and prehistoric deposits across the property was investigated through the implementation of a Phase II trench sampling program. The subject property has been previously disturbed, and it is recognized that there is a possibility that any prehistoric or historic occupation deposits within the project could have resulted from previous land development on adjacent parcels, within the parcel, or as a result of secondary deposition from historic flooding episodes along the San Luis Rey River. During the field survey completed for the Phase I and II Cultural Resources Study, an unconsolidated scatter of prehistoric shell was identified in the northern quarter of the project site. The marine shell was observed within previously impacted soil brought up to the surface by the development of a drainage ditch that runs northwest to southeast across the northern portion of the parcel. The shell scatter was identified as fragments of *Ostrea* sp.*, Chione* sp.*, and Donax sp*., with the greatest concentration measuring 15 meters north to south by seven meters east to west. Additional shell fragments were identified north of the shell scatter, but this is likely the result of previous disturbance to the project site created by grading, which would have spread the shell scatter outward. The presence of the unconsolidated scatter of shell materials indicates a potential for subsurface deposits to also be present (Appendix E).

Because of this potential for subsurface deposits, a testing and significance evaluation program was conducted on October 14, 2020 as part of the Phase I and II Cultural Resources Report (Appendix E). The test program included the mechanical excavation of 13 test trenches across the project site, and test trenches measures approximately 150 centimeters in length and 45 centimeters in width, and each was excavated to approximately 150 centimeters in depth. Of the 13 trenches excavated, six produced only 20 fragments of marine shell and one piece of prehistoric ceramic. The majority of the materials were recovered between zero and 60 centimeters in depth, which corresponds to the stratigraphic observation for the trenches across the property. The subsurface

artifact concentration represents a semi-compacted, sandy loam with minimal artifact recovery that has been impacted by development over time and mixed across the property.

This previous disturbance within the project site appears to be the cause for the presence of marginal traces of marine shell within the project boundary. The Phase I and II Cultural Resources Study did not result in the observation of any significant artifact concentrations, cultural deposits, or other features related to the prehistoric or historic use within the project boundaries. The materials observed in the trenches are interpreted as potentially being a secondary deposition that resulted from historic flooding episodes along the San Luis Rey River. Although the trench results revealed that the property has been highly disturbed, due to the results of the archaeological testing and significance evaluation, there is still the potential to uncover unknown subsurface paleontological resources during project construction as the entire 7.3-acre site would be graded, including approximately 3,139 cubic yards of cut. Therefore, it is determined that project impacts to paleontological resources would be **potentially significant** (**Impact GEO-1**).

4.6.5 Mitigation Measures

MM-GEO-1 Prior to the issuance of a grading permit, the applicant shall submit a letter to the City of Oceanside (City) from a qualified professional paleontologist or a California Registered Professional Geologist with appropriate paleontological expertise, as defined by the Society of Vertebrate Paleontology's guidelines indicating that they have been retained by the applicant to prepare and implement a Paleontological Resources Impact Mitigation Program (PRIMP). The qualified paleontologist shall be available "on-call" to the City and the applicant throughout the duration of ground-disturbing activities. The PRIMP shall include preconstruction coordination; construction monitoring; emergency discovery procedures; sampling and data recovery, if needed; preparation, identification, and analysis of the significance of fossil specimens salvaged, if any; museum storage of any specimens and data recovered; and reporting. Earth-moving construction activities shall be monitored wherever these activities will disturb previously undisturbed sediment. Monitoring will not need to be conducted in areas where sediments have been previously disturbed or in areas where exposed sediments will be buried but not otherwise disturbed. In such cases, spot-checking of the excavation site is sufficient. This measure shall apply for all excavation activities within old paralic deposits that underlie the project.

MM-GEO-2 Prior to the issuance of a grading permit, the City of Oceanside (City) shall confirm the following measure is identified on the grading plan and will be implemented:

Grading activities are subject to a Paleontological Resources Impact Mitigation Program (PRIMP). If potential fossils are discovered by construction crews or during monitoring by a qualified paleontologist, all earthwork or other types of ground disturbance within 50 feet of the discovery shall stop immediately until the qualified professional paleontologist can assess the nature and importance of the discovery. If a fossil of scientific value or uniqueness is identified by the paleontologist, the paleontologist shall record the find and allow work to continue or recommend salvage and recovery of the fossil. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and currently accepted scientific practice and shall be subject to review and approval by the City. Work in the affected area may resume once the fossil has been assessed and/or salvaged and the City, in consultation with the professional paleontologist, has provided written approval to resume work.

4.6.6 Level of Significance After Mitigation

With implementation of **MM-GEO-1** and **MM-GEO-2**, potential impacts related to paleontological resources would be less than significant, considering any fossils discovered would be properly excavated and the associated paleontological research information would be preserved to the extent feasible. No other mitigation related to geology and soils would be required.

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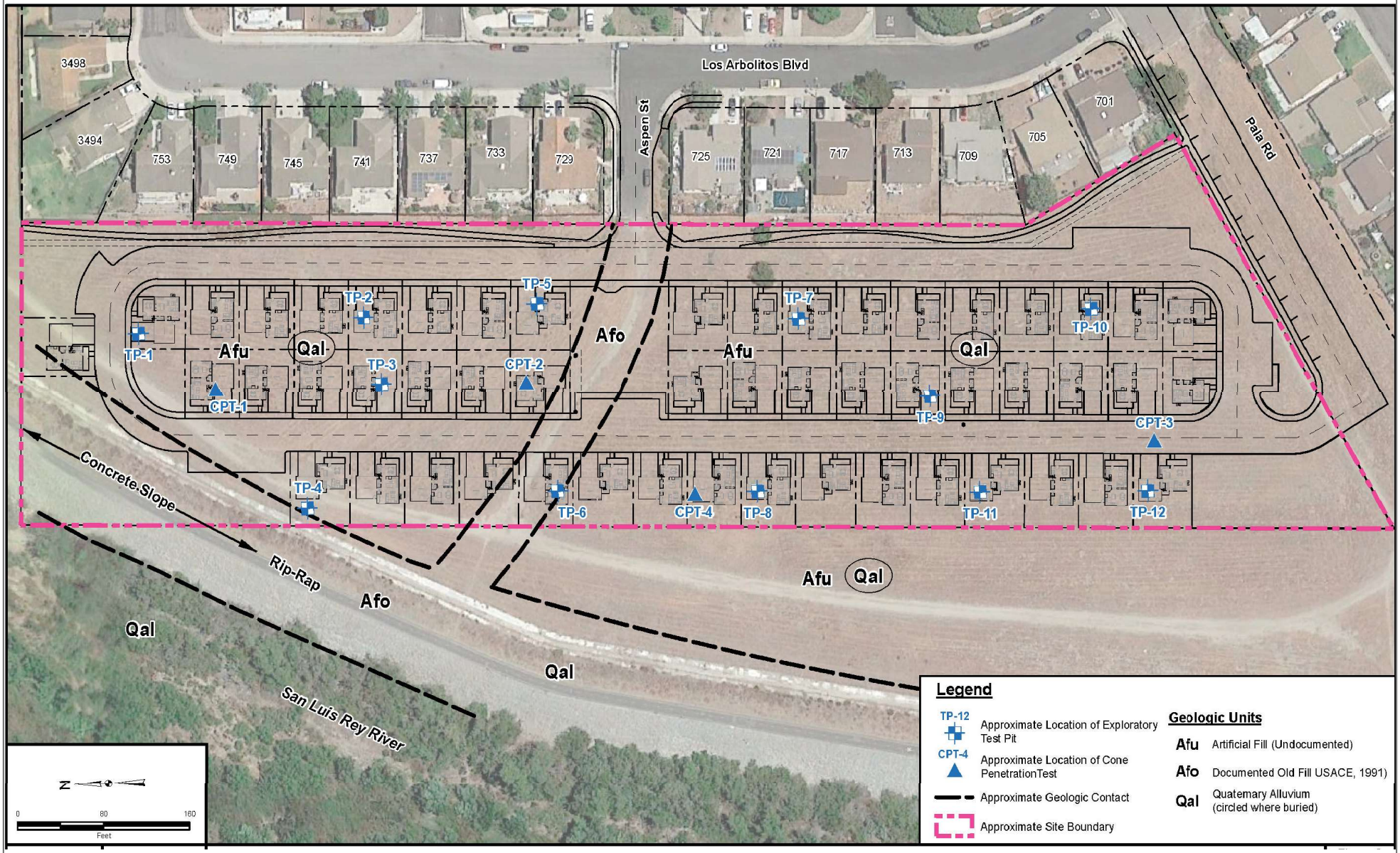

SOURCE: Omega Engineering 2020

FIGURE 4.6-1

Geologic Map

Cypress Point Project Environmental Impact Report

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4.7 GREENHOUSE GASES

This section describes the existing greenhouse gas conditions, identifies associated regulatory requirements, evaluates potential impacts, and establishes mitigation measures related to implementation of the Cypress Point project (proposed project). The following analysis is based on the Greenhouse Gas Screening Assessment Technical Report prepared for the proposed project by Ldn Consulting, Inc. in January 2021, which is included as Appendix G of this EIR.

4.7.1 Existing Conditions

Climate Change Overview

Climate change refers to any significant change in measures of climate, such as temperature, precipitation, or wind patterns, lasting for an extended period of time (decades or longer). The Earth's temperature depends on the balance between energy entering and leaving the planet's system. Many factors, both natural and human, can cause changes in Earth's energy balance, including variations in the sun's energy reaching Earth, changes in the reflectivity of Earth's atmosphere and surface, and changes in the greenhouse effect, which affects the amount of heat retained by Earth's atmosphere (EPA 2017a).

The greenhouse effect is the trapping and build-up of heat in the atmosphere (troposphere) near the Earth's surface. The greenhouse effect traps heat in the troposphere through a threefold process as follows: short-wave radiation emitted by the Sun is absorbed by the Earth, the Earth emits a portion of this energy in the form of long-wave radiation, and GHGs in the upper atmosphere absorb this long-wave radiation and emit it into space and toward the Earth. The greenhouse effect is a natural process that contributes to regulating the Earth's temperature and creates a pleasant, livable environment on the Earth. Human activities that emit additional GHGs to the atmosphere increase the amount of infrared radiation that gets absorbed before escaping into space, thus enhancing the greenhouse effect and causing the Earth's surface temperature to rise.

The scientific record of the Earth's climate shows that the climate system varies naturally over a wide range of time scales and that, in general, climate changes prior to the Industrial Revolution in the 1700s can be explained by natural causes, such as changes in solar energy, volcanic eruptions, and natural changes in GHG concentrations. Recent climate changes, in particular the warming observed over the past century, however, cannot be explained by natural causes alone. Rather, it is extremely likely that human activities have been the dominant cause of that warming since the mid-twentieth century and is the most significant driver of observed climate change (IPCC 2013; EPA 2017a). Human influence on the climate system is evident from the increasing GHG concentrations in the atmosphere, positive radiative forcing, observed warming, and improved understanding of the climate system (IPCC 2013). The atmospheric concentrations of GHGs have increased to levels unprecedented in the last 800,000 years, primarily from fossil fuel

emissions and secondarily from emissions associated with land use changes (IPCC 2013). Continued emissions of GHGs will cause further warming and changes in all components of the climate system.

Greenhouse Gases

A GHG is any gas that absorbs infrared radiation in the atmosphere; in other words, GHGs trap heat in the atmosphere. As defined in California Health and Safety Code section 38505(g) for purposes of administering many of the state's primary GHG emissions reduction programs, GHGs include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3) (see also 14 CCR 15364.5).[1] Some GHGs, such as CO_2, CH_4, and N_2O, are emitted into the atmosphere through natural processes and human activities. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Manufactured GHGs, which have a much greater heat-absorption potential than CO_2, include fluorinated gases, such as HFCs, PFCs, and SF_6, which are associated with certain industrial products and processes. The following paragraphs provide a summary of the most common GHGs and their sources.[2]

Carbon Dioxide. CO_2 is a naturally occurring gas and a by-product of human activities and is the principal anthropogenic GHG that affects the Earth's radiative balance. Natural sources of CO_2 include respiration of bacteria, plants, animals, and fungus; evaporation from oceans; volcanic out-gassing; and decomposition of dead organic matter. Human activities that generate CO_2 are from the combustion of fuels such as coal, oil, natural gas, and wood and changes in land use.

Methane. CH_4 is produced through both natural and human activities. CH_4 is a flammable gas and is the main component of natural gas. Methane is produced through anaerobic (without oxygen) decomposition of waste in landfills, flooded rice fields, animal digestion, decomposition of animal wastes, production and distribution of natural gas and petroleum, coal production, and incomplete fossil fuel combustion.

Nitrous Oxide. N_2O is produced through natural and human activities, mainly through agricultural activities and natural biological processes, although fuel burning and other processes also create N_2O. Sources of N_2O include soil cultivation practices (microbial processes in soil and water), especially the use of commercial and organic fertilizers, manure management, industrial processes (such as in nitric

[1] Climate forcing substances include GHGs and other substances such as black carbon and aerosols. This discussion focuses on the seven GHGs identified in the California Health and Safety Code Section 38505, because impacts associated with other climate forcing substances are not evaluated herein.

[2] The descriptions of GHGs are summarized from the Intergovernmental Panel on Climate Change's Second Assessment Report and Fourth Assessment Report (IPCC 1995, 2007), CARB's Glossary of Terms Used in GHG Inventories (CARB 2018), and EPA's Glossary of Climate Change Terms (EPA 2016).

acid production, nylon production, and fossil-fuel-fired power plants), vehicle emissions, and using N_2O as a propellant (such as in rockets, racecars, and aerosol sprays).

Fluorinated Gases. Fluorinated gases (also referred to as F-gases) are synthetic powerful GHGs emitted from many industrial processes. Fluorinated gases are commonly used as substitutes for stratospheric ozone-depleting substances (e.g., CFCs, HCFCs, and halons). The most prevalent fluorinated gases include the following:

- **Hydrofluorocarbons:** HFCs are compounds containing only hydrogen, fluorine, and carbon atoms. HFCs are synthetic chemicals used as alternatives to ozone-depleting substances in serving many industrial, commercial, and personal needs. HFCs are emitted as by-products of industrial processes and are used in manufacturing.
- **Perfluorocarbons:** PFCs are a group of human-made chemicals composed of carbon and fluorine only. These chemicals were introduced as alternatives, with HFCs, to the ozone depleting substances. The two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Since PFCs have stable molecular structures and do not break down through the chemical processes in the lower atmosphere, these chemicals have long lifetimes, ranging between 10,000 and 50,000 years.
- **Sulfur Hexafluoride:** SF_6 is a colorless gas soluble in alcohol and ether and slightly soluble in water. SF_6 is used for insulation in electric power transmission and distribution equipment, semiconductor manufacturing, the magnesium industry, and as a tracer gas for leak detection.
- **Nitrogen Trifluoride:** NF_3 is used in the manufacture of a variety of electronics, including semiconductors and flat panel displays.
- **Chlorofluorocarbons.** CFCs are synthetic chemicals that have been used as cleaning solvents, refrigerants, and aerosol propellants. CFCs are chemically unreactive in the lower atmosphere (troposphere) and the production of CFCs was prohibited in 1987 due to the chemical destruction of stratospheric O_3.
- **Hydrochlorofluorocarbons**. HCFCs are a large group of compounds, whose structure is very close to that of CFCs—containing hydrogen, fluorine, chlorine, and carbon atoms—but including one or more hydrogen atoms. Like HFCs, HCFCs are used in refrigerants and propellants. HCFCs were also used in place of CFCs for some applications; however, their use in general is being phased out.

Black Carbon. Black carbon is a component of fine particulate matter, which has been identified as a leading environmental risk factor for premature death. It is produced from the incomplete combustion of fossil fuels and biomass burning, particularly from older diesel engines and forest fires. Black carbon warms the atmosphere by absorbing solar radiation, influences cloud

formation, and darkens the surface of snow and ice, which accelerates heat absorption and melting. Black carbon is a short-lived species that varies spatially, which makes it difficult to quantify the global warming potential. Diesel particulate matter emissions are a major source of black carbon and are TACs that have been regulated and controlled in California for several decades to protect public health. In relation to declining diesel particulate matter from the California Air Resources Board's (CARB's) regulations pertaining to diesel engines, diesel fuels, and burning activities, CARB estimates that annual black carbon emissions in California have reduced by 70% between 1990 and 2010, with 95% control expected by 2020 (CARB 2014).

Water Vapor. The primary source of water vapor is evaporation from the ocean, with additional vapor generated by sublimation (change from solid to gas) from ice and snow, evaporation from other water bodies, and transpiration from plant leaves. Water vapor is the most important, abundant, and variable GHG in the atmosphere and maintains a climate necessary for life.

Ozone. Tropospheric O_3, which is created by photochemical reactions involving gases from both natural sources and human activities, acts as a GHG. Stratospheric O_3, which is created by the interaction between solar ultraviolet radiation and molecular oxygen (O_2), plays a decisive role in the stratospheric radiative balance. Depletion of stratospheric O_3, due to chemical reactions that may be enhanced by climate change, results in an increased ground-level flux of ultraviolet-B radiation.

Aerosols. Aerosols are suspensions of particulate matter in a gas emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light.

Global Warming Potential

Gases in the atmosphere can contribute to climate change both directly and indirectly. Direct effects occur when the gas itself absorbs radiation. Indirect radiative forcing occurs when chemical transformations of the substance produce other GHGs, when a gas influences the atmospheric lifetimes of other gases, and/or when a gas affects atmospheric processes that alter the radiative balance of the Earth (e.g., affect cloud formation or albedo) (EPA 2020). The Intergovernmental Panel on Climate Change (IPCC) developed the global warming potential (GWP) concept to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP of a GHG is defined as the ratio of the time-integrated radiative forcing from the instantaneous release of 1 kilogram of a trace substance relative to that of 1 kilogram of a reference gas (IPCC 2014). The reference gas used is CO_2; therefore, GWP-weighted emissions are measured in metric tons of CO_2 equivalent (MT CO_2e).

The current version of the California Emissions Estimator Model (CalEEMod) (Version 2016.3.2) assumes that the GWP for CH_4 is 25 (so emissions of 1 MT of CH_4 are equivalent to emissions of 25 MT of CO_2), and the GWP for N_2O is 298, based on the Intergovernmental Panel on Climate

Change's Fourth Assessment Report (IPCC 2007). The GWP values identified in CalEEMod were applied to the Project.

Contributions to Greenhouse Gas Emissions

Per the EPA Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2018 (EPA 2020), total United States GHG emissions were approximately 6,676.6 MMT CO_2e in 2018 (EPA 2020). The primary GHG emitted by human activities in the United States was CO_2, which represented approximately 81.3% of total GHG emissions (5,428.1 MMT CO_2e). The largest source of CO_2, and of overall GHG emissions, was fossil-fuel combustion, which accounted for approximately 92.8% of CO_2 emissions in 2018 (5,031.8 MMT CO_2e). Relative to 1990, gross United States GHG emissions in 2018 are higher by 3.7%, down from a high of 15.2% above 1990 levels in 2007. GHG emissions decreased from 2017 to 2018 by 2.9% (188.4 MMT CO_2e) and overall, net emissions in 2018 were 10.2% below 2005 levels (EPA 2020).

According to California's 2000–2018 GHG emissions inventory (2020 edition), California emitted 425 MMT CO_2e in 2018, including emissions resulting from out-of-state electrical generation (CARB 2020a). The sources of GHG emissions in California include transportation, industry, electric power production from both in-state and out-of-state sources, residential and commercial activities, agriculture, high GWP substances, and recycling and waste. The California GHG emission source categories and their relative contributions in 2018 are presented in Table 4.7-1.

Table 4.7-1
Greenhouse Gas Emissions Sources in California

Source Category	Annual GHG Emissions (MMT CO2e)	Percent of Total[a]
Transportation	169.50	40%
Industrial	89.18	21%
Electric Power[b]	63.11	15%
Agriculture	32.57	8%
Residential	25.74	6%
Commercial	13.46	4%
High global-warming potential substances	20.46	5%
Recycling and waste	9.09	2%
Total	**425.28**	**100%**

Source: CARB 2020a.
Notes: GHG = greenhouse gas; MMT CO_2e = million metric tons of carbon dioxide equivalent per year.
Emissions reflect the 2018 California GHG inventory.
[a] Percentage of total has been rounded, and total may not sum due to rounding.
[b] Includes emissions associated with imported electricity, which account for 24.57 MMT CO_2e annually.

Between 2000 and 2018, per-capita GHG emissions in California have dropped from a peak of 14.0 MT per person in 2001 to 10.7 MT per person in 2018, representing a 24% decrease (CARB

2020b). In 2016, statewide GHG emissions dropped below the 2020 GHG Limit of 431 MMT CO_2e and have remained below the Limit since that time (CARB 2020b).

Table 4.7-2 presents the City of Oceanside's 2013 community wide GHG emissions and the percent contribution of each emissions sector (commercial/industrial, residential, solid waste, transportation, and wastewater).

Table 4.7-2
City of Oceanside Baseline Community-Wide GHG Emissions Inventory (2013)

Source Category	Annual GHG Emissions (MT CO2E)	Percent of Total
Transportation	477,178	48.5%
Electricity	251,524	25.6%
Natural Gas	162,447	16.5%
Solid Waste	40,615	4.1%
Water	27,420	2.8%
Municipal	24,828	2.5%
Totals	**984,012**	**100%**

Source: City of Oceanside, Oceanside Climate Action Plan, April 2019.
Notes: GHG = greenhouse gas; MT CO_2E = metric tons of carbon dioxide equivalent.

As shown in Table 4.7-2, approximately 49% of the City of Oceanside's community wide GHG emissions in 2013 were attributed to transportation sources. Energy consumption including electricity and natural gas accounted for approximately 42%, solid waste accounted for 4%, and water accounted for the less than 3% of the City of Oceanside's community wide GHG emissions.

Potential Effects of Climate Change

Globally, climate change has the potential to affect numerous environmental resources through uncertain impacts related to future air temperatures and precipitation patterns. The 2014 Intergovernmental Panel on Climate Change Synthesis Report (IPCC 2014) indicated that warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. Signs that global climate change has occurred include warming of the atmosphere and ocean, diminished amounts of snow and ice, rising sea levels, and ocean acidification (IPCC 2014).

In California, climate change impacts have the potential to affect sea-level rise, agriculture, snowpack and water supply, forestry, wildfire risk, public health, frequency of severe weather events, and electricity demand and supply. The primary effect of global climate change has been a rise in average global tropospheric temperature. Reflecting the long-term warming trend since pre-industrial times, observed global mean surface temperature for the decade 2006–2015 was 0.87°C (likely between 0.75°C and 0.99°C) higher than the average over the 1850–1900 period (IPCC 2018).

Scientific modeling predicts that continued emissions of GHGs at or above current rates would induce more extreme climate changes during the twenty-first century than were observed during the twentieth century. Human activities are estimated to have caused approximately 1.0°C (1.8 degrees Fahrenheit (°F)) of global warming above pre-industrial levels, with a likely range of 0.8°C to 1.2°C (1.4°F to 2.2°F) (IPCC 2018). Global warming is likely to reach 1.5°C (2.7°F) between 2030 and 2052 if it continues to increase at the current rate (IPCC 2018).

Although climate change is driven by global atmospheric conditions, climate change impacts are felt locally. A scientific consensus confirms that climate change is already affecting California. The Office of Environmental Health Hazard Assessment identified various indicators of climate change in California, which are scientifically-based measurements that track trends in various aspects of climate change. Many indicators reveal discernible evidence that climate change is occurring in California and is having significant, measurable impacts in the state. Changes in the state's climate have been observed including an increase in annual average air temperature with record warmth from 2012 to 2016, more frequent extreme heat events, more extreme drought, a decline in winter chill, an increase in cooling degree days and a decrease in heating degree days, and an increase in variability of statewide precipitation (OEHHA 2018).

Warming temperatures and changing precipitation patterns have altered California's physical systems – the ocean, lakes, rivers and snowpack – upon which the state depends. Winter snowpack and spring snowmelt runoff from the Sierra Nevada and southern Cascade Mountains provide approximately one-third of the state's annual water supply. Impacts of climate on physical systems have been observed such as high variability of snow-water content (i.e., amount of water stored in snowpack), decrease in snowmelt runoff, glacier change (loss in area), rise in sea levels, increase in average lake water temperature and coastal ocean temperature, and a decrease in dissolved oxygen in coastal waters (OEHHA 2018).

Impacts of climate change on biological systems, including humans, wildlife, and vegetation, have also been observed including climate change impacts on terrestrial, marine, and freshwater ecosystems. As with global observations, species responses include those consistent with warming: elevational or latitudinal shifts in range, changes in the timing of key plant and animal life cycle events, and changes in the abundance of species and in community composition. Humans are better able to adapt to a changing climate than plants and animals in natural ecosystems. Nevertheless, climate change poses a threat to public health as warming temperatures and changes in precipitation can affect vector-borne pathogen transmission and disease patterns in California as well as the variability of heat-related deaths and illnesses. In addition, since 1950, the area burned by wildfires each year has been increasing.

The California Natural Resources Agency (CNRA) has released four California Climate Change Assessments (2006, 2009, 2012, and 2018), which have addressed the following: acceleration of

warming across the state, more intense and frequent heat waves, greater riverine flows, accelerating sea level rise, more intense and frequent drought, more severe and frequent wildfires, more severe storms and extreme weather events, shrinking snowpack and less overall precipitation, and ocean acidification, hypoxia, and warming. To address local and regional governments need for information to support action in their communities, the Fourth Assessment (2018) includes reports for nine regions of the state, including the Los Angeles Region, which includes the part of San Bernardino County where the project is located. Key projected climate changes for the Los Angeles Region include the following (CNRA 2018):

- Continued future warming over the Los Angeles region. Across the region, average maximum temperatures are projected to increase around 4°F to 5°F by the mid-century, and 5°F to 8°F by the late 21st century.
- Extreme temperatures are also expected to increase. The hottest day of the year may be up to 10°F warmer for many locations across the Los Angeles region by the late 21st century under certain model scenarios. The number of extremely hot days is also expected to increase across the region.
- Despite small changes in average precipitation, dry and wet extremes are both expected to increase. By the late 21st century, the wettest day of the year is expected to increase across most of the Los Angeles region, with some locations experiencing 25% to 30% increases under certain model scenarios. Increased frequency and severity of atmospheric river events are also projected to occur for this region.
- Sea levels are projected to continue to rise in the future, but there is a large range based on emissions scenario and uncertainty in feedbacks in the climate system. Roughly 1 feet to 2 feet of sea level rise is projected by the mid-century, and the most extreme projections lead to 8 feet to 10 feet of sea level rise by the end of the century.
- Projections indicate that wildfire may increase over southern California, but there remains uncertainty in quantifying future changes of burned area over the Los Angeles region.

4.7.2 Regulatory Setting

Federal

Massachusetts v. EPA

In *Massachusetts v. EPA* (April 2007), the U.S. Supreme Court directed the EPA administrator to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In December 2009, the administrator

signed a final rule with the following two distinct findings regarding GHGs under Section 202(a) of the federal Clean Air Act:

- The Administrator found that elevated concentrations of GHGs—CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6—in the atmosphere threaten the public health and welfare of current and future generations. This is the "endangerment finding."
- The Administrator further found the combined emissions of GHGs—CO_2, CH_4, N_2O, and HFCs—from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is the "cause or contribute finding."

These two findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the Clean Air Act.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, would do the following, which would aid in the reduction of national GHG emissions (EPA 2007):

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and directs National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy-efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

Federal Vehicle Standards

In response to the *Massachusetts v. EPA*, the Bush Administration issued Executive Order (EO) 13432 in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016 (75 FR 25324–25728) (EPA 2010).

In 2010, President Barack Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO_2 in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021 (77 FR 62624–63200). On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks (EPA 2017b).

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018 (76 FR 57106–57513). The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to23% over the 2010 baselines.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO_2 emissions by approximately 1.1 billion MT and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program (EPA and NHTSA 2016).

In August 2018, EPA and NHTSA proposed to amend certain fuel economy and GHG standards for passenger cars and light trucks and establish new standards for model years 2021 through 2026. Compared to maintaining the post-2020 standards now in place, the 2018 proposal would increase U.S. fuel consumption by about half a million barrels per day (2%–3% of total daily consumption, according to the Energy Information Administration) and would impact the global climate by 3/1000th of one degree Celsius by 2100 (EPA and NHTSA 2018). California and other states have stated their intent to challenge federal actions that would delay or eliminate GHG reduction measures and have committed to cooperating with other countries to implement global climate change initiatives. Thus, the timing and consequences of the 2018 federal proposal are speculative at this time.

On September 27, 2019, the EPA and NHTSA published the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program (84 Fed. Reg. 51,310), which became

effective November 26, 2019. The Part One Rule revokes California's authority to set its own GHG emissions standards and set zero-emission vehicle mandates in California. On March 31, 2020, the EPA and NHTSA issued the Part Two Rule, which will go into effect 60 days after being published in the Federal Register. The Part Two Rule sets CO_2 emissions standards and corporate average fuel economy standards for passenger vehicles and light-duty trucks for model years 2021 through 2026. On January 20, 2021, President Joe Biden issued an Executive Order (EO) on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, which includes review of Part One Rule by April 2021 and review of the Part Two Rule by July 2021 (The White House 2021).

Clean Power Plan and New Source Performance Standards for Electric Generating Units

On October 23, 2015, EPA published a final rule (effective December 22, 2015) establishing the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (80 FR 64510–64660), also known as the Clean Power Plan. These guidelines prescribe how states must develop plans to reduce GHG emissions from existing fossil-fuel-fired electric generating units. The guidelines establish CO_2 emission performance rates representing the best system of emission reduction for two subcategories of existing fossil-fuel-fired electric generating units: (1) fossil-fuel-fired electric utility steam-generating units, and (2) stationary combustion turbines. Concurrently, the EPA published a final rule (effective October 23, 2015) establishing Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units (80 FR 64661–65120). The rule prescribes CO_2 emission standards for newly constructed, modified, and reconstructed affected fossil-fuel-fired electric utility generating units. The U.S. Supreme Court stayed implementation of the Clean Power Plan pending resolution of several lawsuits.

State

The statewide GHG emissions regulatory framework is summarized below by category: state climate change targets, building energy, renewable energy and energy procurement, mobile sources, solid waste, water, and other state regulations and goals. The following text describes EOs, legislation, regulations, and other plans and policies that would directly or indirectly reduce GHG emissions and/or address climate change issues.

State Climate Change Targets

The state has taken a number of actions to address climate change. These include EOs, legislation, and CARB plans and requirements. These are summarized below.

EO S-3-05. EO S-3-05 (June 2005) established California's GHG emissions reduction targets and laid out responsibilities among the state agencies for implementing the EO and for reporting on progress toward the targets. This EO established the following targets:

- By 2010, reduce GHG emissions to 2000 levels
- By 2020, reduce GHG emissions to 1990 levels
- By 2050, reduce GHG emissions to 80% below 1990 levels

EO S-3-05 also directed the California Environmental Protection Agency to report biannually on progress made toward meeting the GHG targets and the impacts to California due to global warming, including impacts to water supply, public health, agriculture, the coastline, and forestry. The Climate Action Team was formed, which subsequently issued reports from 2006 to 2010 (CAT 2016).

AB 32. In furtherance of the goals established in EO S-3-05, the legislature enacted AB. The bill is referred to as the California Global Warming Solutions Act of 2006. AB 32 provided initial direction on creating a comprehensive multiyear program to limit California's GHG emissions at 1990 levels by 2020 and initiate the transformations required to achieve the state's long-range climate objectives.

SB 32 and AB 197. SB 32 and AB 197 (enacted in 2016) are companion bills. SB 32 codified the 2030 emissions reduction goal of EO B-30-15 by requiring CARB to ensure that statewide GHG emissions are reduced to 40% below 1990 levels by 2030. AB 197 established the Joint Legislative Committee on Climate Change Policies, consisting of at least three members of the senate and three members of the assembly, in order to provide ongoing oversight over implementation of the state's climate policies. AB 197 also added two members of the legislature to CARB as nonvoting members; requires CARB to make available and update (at least annually via its website) emissions data for GHGs, criteria air pollutants, and TACs from reporting facilities; and requires CARB to identify specific information for GHG emissions reduction measures when updating the scoping plan.

CARB's 2007 Statewide Limit. In 2007, in accordance with California Health and Safety Code Section 38550, CARB approved a statewide limit on the GHG emissions level for year 2020 consistent with the determined 1990 baseline (427 million metric tons [MMT] CO_2e).

CARB's Climate Change Scoping Plan. One specific requirement of AB 32 is for CARB to prepare a scoping plan for achieving the maximum technologically feasible and cost-effective GHG emission reductions by 2020 (California Health and Safety Code Section 38561[a]), and to update the plan at least once every 5 years. In 2008, CARB approved the first scoping plan. The Climate Change Scoping Plan: A Framework for Change (Scoping Plan) included a mix of recommended strategies that combined direct regulations, market-based approaches, voluntary measures, policies, and other emission reduction programs calculated to meet the 2020 statewide GHG emission limit and initiate the transformations needed to achieve the state's long-range climate objectives. The key elements of the Scoping Plan include the following (CARB 2008):

1. Expanding and strengthening existing energy efficiency programs as well as building and appliance standards.
2. Achieving a statewide renewable energy mix of 33%.
3. Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system and caps sources contributing 85% of California's GHG emissions.
4. Establishing targets for transportation-related GHG emissions for regions throughout California, and pursuing policies and incentives to achieve those targets.
5. Adopting and implementing measures pursuant to existing state laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard (17 CCR 95480 et seq.).
6. Creating targeted fees, including a public goods charge on water use, fees on high GWP gases, and a fee to fund the administrative costs of the State of California's long-term commitment to AB 32 implementation.

The Scoping Plan also identified local governments as essential partners in achieving California's goals to reduce GHG emissions because they have broad influence and, in some cases, exclusive authority over activities that contribute to significant direct and indirect GHG emissions through their planning and permitting processes, local ordinances, outreach and education efforts, and municipal operations. Specifically, the Scoping Plan encouraged local governments to adopt a reduction goal for municipal operations and for community emissions to reduce GHGs by approximately 15% from then levels (2008) by 2020. Many local governments developed community-scale local GHG reduction plans based on this Scoping Plan recommendation.

In 2014, CARB approved the first update to the Scoping Plan. The First Update to the Climate Change Scoping Plan: Building on the Framework (First Update) defined the state's GHG emission reduction priorities for the next 5 years and laid the groundwork to start the transition to the post-2020 goals set forth in EOs S-3-05 and B-16-2012. The First Update concluded that

California is on track to meet the 2020 target, but recommended a 2030 mid-term GHG reduction target be established to ensure a continuum of action to reduce emissions. The First Update recommended a mix of technologies in key economic sectors to reduce emissions through 2050, including energy demand reduction through efficiency and activity changes; large-scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and the rapid market penetration of efficient and clean energy technologies. As part of the First Update, CARB recalculated the state's 1990 emissions level, using more recent GWPs identified by the Intergovernmental Panel on Climate Change, from 427 MMT CO_2e to 431 MMT CO_2e.

In 2015, as directed by EO B-30-15, CARB began working on an update to the Scoping Plan to incorporate the 2030 target of 40% below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing GHG emissions to 80% below 1990 levels by 2050 as set forth in S-3-05. The governor called on California to pursue a new and ambitious set of strategies, in line with the five climate change pillars from his inaugural address, to reduce GHG emissions and prepare for the unavoidable impacts of climate change. In the summer of 2016, the legislature affirmed the importance of addressing climate change through passage of SB 32.

In January 2017, CARB released the *2*017 Climate Change Scoping Plan Update (2030 Scoping Plan) for public review and comment (CARB 2017). The 2030 Scoping Plan builds on the successful framework established in the initial Scoping Plan and First Update, while identifying new, technologically feasible, and cost-effective strategies that will serve as the framework to achieve the 2030 GHG target and define the state's climate change priorities to 2030 and beyond. The strategies' "known commitments" include implementing renewable energy and energy efficiency (including the mandates of SB 350), increased stringency of the Low Carbon Fuel Standard, measures identified in the Mobile Source and Freight Strategies, measures identified in the proposed Short-Lived Climate Pollutant Plan, and increased stringency of SB 375 targets. To fill the gap in additional reductions needed to achieve the 2030 target, it recommends continuing the Cap-and-Trade Program and a measure to reduce GHGs from refineries by 20%.

For local governments, the 2030 Scoping Plan replaced the initial Scoping Plan's 15% reduction goal with a recommendation to aim for a community-wide goal of no more than 6 MT CO_2e per capita by 2030 and no more than 2 MT CO_2e per capita by 2050, which are consistent with the state's long-term goals. These goals are also consistent with the Global Climate Leadership Memorandum of Understanding (Under 2 MOU) (Under 2 2017) and the Paris Agreement, which are developed around the scientifically based levels necessary to limit global warming below 2°C. The 2030 Scoping Plan recognizes the benefits of local government GHG planning (e.g., through climate action plans [CAPs]) and provides more information regarding tools CARB is working on to support those efforts. It also recognizes the CEQA streamlining provisions for project-level

review where there is a legally adequate CAP.[3] The 2030 Scoping Plan was approved by CARB's Governing Board on December 14, 2017.

The 2030 Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32, SB 32, and the EOs and establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions. A project is considered consistent with the statutes and EOs if it meets the general policies in reducing GHG emissions to facilitate the achievement of the state's goals and does not impede attainment of those goals. As discussed in several cases, a given project need not be in perfect conformity with every planning policy or goals to be consistent. A project would be consistent if it would further the objectives and not obstruct their attainment.

CARB's Regulations for the Mandatory Reporting of Greenhouse Gas Emissions. CARB's Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (17 CCR 95100–95157) incorporated by reference certain requirements that EPA promulgated in its Final Rule on Mandatory Reporting of Greenhouse Gases (Title 40 Code of Federal Regulations, Part 98). Specifically, Section 95100(c) of the Mandatory Reporting Regulation incorporated those requirements that EPA promulgated in the Federal Register on October 30, 2009; July 12, 2010; September 22, 2010; October 28, 2010; November 30, 2010; December 17, 2010; and April 25, 2011. In general, entities subject to the Mandatory Reporting Regulation that emit over 10,000 MT CO_2e per year are required to report annual GHGs through the California Electronic GHG Reporting Tool. Certain sectors, such as refineries and cement plants, are required to report regardless of emission levels. Entities that emit more than the 25,000 MT CO_2e per year threshold are required to have their GHG emissions report verified by a CARB-accredited third party.

EO B-18-12. EO B-18-12 (April 2012) directed state agencies, departments, and other entities under the governor's executive authority to take action to reduce entity-wide GHG emissions by at least 10% by 2015 and 20% by 2020, as measured against a 2010 baseline. EO B-18-12 also established goals for existing state buildings for reducing grid-based energy purchases and water use.

EO B-30-15. EO B-30-15 (April 2015) identified an interim GHG reduction target in support of targets previously identified under S-3-05 and AB 32. EO B-30-15 set an interim target goal of reducing GHG emissions to 40% below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing GHG emissions to 80% below 1990 levels by 2050 as set forth in S-3-05. To facilitate achieving this goal, EO B-30-15 called for CARB to update the Scoping Plan to express the 2030 target in terms of MMT CO_2e. The EO also

[3] *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490; *San Francisco Tomorrow et al. v. City and County of San Francisco* (2015) 229 Cal.App.4th 498; *San Franciscans Upholding the Downtown Specific Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.

called for state agencies to continue to develop and implement GHG emission reduction programs in support of the reduction targets.

SB 605 and SB 1383. SB 605 (2014) required CARB to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants (SLCPs) in the state; and SB 1383 (2016) required CARB to approve and implement that strategy by January 1, 2018. SB 1383 also establishes specific targets for the reduction of SLCPs (40% below 2013 levels by 2030 for methane and HFCs, and 50% below 2013 levels by 2030 for anthropogenic black carbon), and provides direction for reductions from dairy and livestock operations and landfills. Accordingly, and as mentioned above, CARB adopted its Short-Lived Climate Pollutant Reduction Strategy (SLCP Reduction Strategy) in March 2017. The SLCP Reduction Strategy establishes a framework for the statewide reduction of emissions of black carbon, methane, and fluorinated gases.

EO B-55-18. EO B-55-18 (September 2018) establishes a new statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." This executive order directs CARB to "work with relevant state agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal."

Building Energy

Title 24, Part 6. Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California's building standards. While not initially promulgated to reduce GHG emissions, Part 6 of Title 24 specifically established Building Energy Efficiency Standards that are designed to ensure new and existing buildings in California achieve energy efficiency and preserve outdoor and indoor environmental quality. These energy efficiency standards are reviewed every few years by the Building Standards Commission and the California Energy Commission (CEC) (and revised if necessary) (California Public Resources Code, Section 25402[b][1]). The regulations receive input from members of industry, as well as the public, with the goal of "reducing of wasteful, uneconomic, inefficient, or unnecessary consumption of energy" (California Public Resources Code, Section 25402). These regulations are carefully scrutinized and analyzed for technological and economic feasibility (California Public Resources Code, Section 25402[d]) and cost effectiveness (California Public Resources Code, Sections 25402[b][2] and [b][3]). As a result, these standards save energy, increase electricity supply reliability, increase indoor comfort, avoid the need to construct new power plants, and help preserve the environment. The 2016 Title 24 building energy efficiency standards became effective January 1, 2017. The 2019 Title 24 Building Energy Efficiency Standards became effective on January 1, 2020, which will further reduce energy used and associated GHG emissions compared to the 2016 Title 24 building energy standards. Residential buildings built to the 2019 standards are anticipated to use an estimated 53% less energy than those built to the 2016 standards (CEC 2018).

Title 24, Part 11. In addition to the CEC's efforts, in 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11 of Title 24) is commonly referred to as California's Green Building Standards (CALGreen), and establishes minimum mandatory standards as well as voluntary standards pertaining to the planning and design of sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and interior air quality. The CALGreen standards took effect in January 2011 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential and state-owned buildings and schools and hospitals.

The 2019 CALGreen standards are the current applicable standards. The 2019 update to the Building Energy Efficiency Standards focuses on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings. The most significant efficiency improvements to the residential Standards include the introduction of photovoltaic into the prescriptive package, improvements for attics, walls, water heating, and lighting. The Standards are conceptually divided into three basic sets. First, there is a basic set of mandatory requirements that apply to all buildings. Second, there is a set of performance standards the energy budgets - that vary by climate zone (of which there are 16 in California) and building type; thus the Standards are tailored to local conditions, and provide flexibility in how energy efficiency in buildings can be achieved. Finally, the third set constitutes an alternative to the performance standards, which is a set of prescriptive packages that provide a recipe or a checklist compliance approach. (24 CCR Part 11).

The California Public Utilities Commission (CPUC), CEC, and CARB also have a shared, established goal of achieving zero net energy performance for new construction in California. The key policy timelines include (1) all new residential construction in California will be zero net energy by 2020 and (2) all new commercial construction in California will be zero net energy by 2030.[4]

Title 20. Title 20 of the California Code of Regulations requires manufacturers of appliances to meet state and federal standards for energy and water efficiency. The CEC certifies an appliance based on a manufacturer's demonstration that the appliance meets the standards. New appliances regulated under Title 20 include refrigerators, refrigerator-freezers, and freezers; room air conditioners and room air-conditioning heat pumps; central air conditioners; spot air conditioners; vented gas space heaters; gas pool heaters; plumbing fittings and plumbing fixtures; fluorescent lamp ballasts; lamps; emergency lighting; traffic signal modules; dishwashers; clothes washers and dryers; cooking products; electric motors; low-voltage dry-type distribution transformers; power supplies; televisions and consumer audio and video equipment; and battery charger systems. Title 20 presents protocols for testing each type of appliance covered under the regulations, and

[4] See for example, CPUC 2013. It is expected that achievement of the zero net energy goal will occur via revisions to the Title 24 standards.

appliances must meet the standards for energy performance, energy design, water performance and water design. Title 20 contains three types of standards for appliances: federal and state standards for federally regulated appliances, state standards for federally regulated appliances, and state standards for non-federally regulated appliances.

SB 1. SB 1 (August 2006) established a $3 billion rebate program to support the goal of the state to install rooftop solar energy systems with a generation capacity of 3,000 megawatts through 2016. SB 1 added sections to the California Public Resources Code, including Chapter 8.8 (California Solar Initiative), that require building projects applying for ratepayer-funded incentives for photovoltaic systems to meet minimum energy efficiency levels and performance requirements. Section 25780 established that it is a goal of the state to establish a self-sufficient solar industry. The goals included establishing solar energy systems as a viable mainstream option for both homes and businesses within 10 years of adoption, and placing solar energy systems on 50% of new homes within 13 years of adoption. SB 1, also termed "Go Solar California," was previously titled "Million Solar Roofs."

AB 1470 (Solar Water Heating). This bill established the Solar Water Heating and Efficiency Act of 2007. The bill makes findings and declarations of the legislature relating to the promotion of solar water heating systems and other technologies that reduce natural gas demand. The bill defines several terms for purposes of the act. The bill requires the commission to evaluate the data available from a specified pilot program, and, if it makes a specified determination, to design and implement a program of incentives for the installation of 200,000 solar water heating systems in homes and businesses throughout the state by 2017.

Renewable Energy and Energy Procurement

SB 1078. SB 1078 (September 2002) established the Renewables Portfolio Standard (RPS) program, which required an annual increase in renewable generation by utilities equivalent to at least 1% of sales, with an aggregate goal of 20% by 2017. This goal was subsequently accelerated, requiring utilities to obtain 20% of their power from renewable sources by 2010 (see SB 107, EO S-14-08, and S-21-09).

SB 1368. SB 1368 (September 2006) required the CEC to develop and adopt regulations for GHG emission performance standards for the long-term procurement of electricity by local publicly owned utilities. These standards must be consistent with the standards adopted by the CPUC.

AB 1109. Enacted in 2007, AB 1109 required the CEC to adopt minimum energy efficiency standards for general-purpose lighting and to reduce electricity consumption 50% for indoor residential lighting and 25% for indoor commercial lighting.

EO S-14-08. EO S-14-08 (November 2008) focused on the contribution of renewable energy sources to meet the electrical needs of California while reducing the GHG emissions from the electrical sector. This EO required that all retail suppliers of electricity in California serve 33% of their load with renewable energy by 2020. Furthermore, the EO directed state agencies to take appropriate actions to facilitate reaching this target. The CNRA, through collaboration with the CEC and California Department of Fish and Wildlife, was directed to lead this effort.

EO S-21-09 and SB X1-2. EO S-21-09 (September 2009) directed CARB to adopt a regulation consistent with the goal of EO S-14-08 by July 31, 2010. CARB was further directed to work with the CPUC and CEC to ensure that the regulation builds upon the RPS program and was applicable to investor-owned utilities, publicly owned utilities, direct access providers, and community choice providers. Under this order, CARB was to give the highest priority to those renewable resources that provide the greatest environmental benefits with the least environmental costs and impacts on public health and can be developed the most quickly in support of reliable, efficient, cost-effective electricity system operations. On September 23, 2010, CARB initially approved regulations to implement a Renewable Electricity Standard. However, this regulation was not finalized because of subsequent legislation (SB X1-2) signed by Governor Brown in April 2011.

SB X1-2 expanded the RPS by establishing a renewable energy target of 20% of the total electricity sold to retail customers in California per year by December 31, 2013, and 33% by December 31, 2020, and in subsequent years. Under the bill, a renewable electrical generation facility is one that uses biomass, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation (30 megawatts or less), digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and that meets other specified requirements with respect to its location.

SB X1-2 applies to all electricity retailers in the state including publicly owned utilities, investor-owned utilities, electricity service providers, and community choice aggregators. All of these entities must meet the renewable energy goals previously listed.

Supreme Court Ruling in Center for Biological Diversity v. Department of Fish and Wildlife

In its 2015 decision, *Center for Biological Diversity v. Department of Fish and Wildlife*, S217763 (Newhall),[5] the California Supreme Court evaluated the California Department of Fish and Wildlife's analysis of potential impacts caused by GHG emissions contained in the environmental impact report (EIR) for the proposed land development called Newhall Ranch. In the EIR, the

[5] The Newhall decision is available at https://caselaw.findlaw.com/ca-supreme-court/1719578.html (accessed November 2018).

California Department of Fish and Wildlife analyzed GHG emissions under AB 32, using the business-as-usual comparison as its sole criterion of significance.

In Newhall, the California Supreme Court concluded that a finding of consistency with meeting statewide emission reduction goals is a legally permissible criterion of significance when analyzing potential impacts of GHG emissions under CEQA. However, the Court found that the EIR's conclusion that the project's emissions would be less than significant under that criterion was not supported by substantial evidence and remanded back to the appellate court the narrow issue of whether substantial evidence supported the application of AB 32 statewide GHG reduction goal of 29% to new land use projects.

The Court then identified potential options for lead agencies evaluating cumulative significance of a proposed land use development's GHG emissions in future CEQA documents:

1. Business-As-Usual Model: While the Court cautions that the Scoping Plan may not be appropriate at the project level, the business-as-usual model might be used to determine what level of reduction from business-as-usual a new land use development at the proposed location must contribute in order to comply with statewide goals pursuant to AB 32.
2. Compliance With Regulatory Programs Designed To Reduce Greenhouse Gas Emissions: The Court suggests that a lead agency could rely on a showing of compliance with regulatory programs designed to reduce GHG emissions. The Court clarifies that a significance analysis based on compliance with such statewide regulations only goes to impacts within the area governed by the regulations.
3. Local CAP or Other "Geographically Specific Greenhouse Gas Emission Reduction Plans": The Court points out that these plans may provide a basis for the tiering or streamlining of project-level CEQA analysis, so long as the plan is "sufficiently detailed and adequately supported." Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
4. Regional SCS: The Court also articulates that a lead agency need not additionally analyze GHG emissions from cars and light trucks in CEQA documents for certain residential, mixed-use, and transit priority projects that are consistent with an applicable SCS adopted pursuant to SB 375.
5. Numerical GHG Significance Thresholds: The Court noted the use of such thresholds are GHG significance thresholds, which are based on compliance with AB 32, and use a "service population" GHG ratio threshold for land use projects and a 10,000-ton annual GHG emission threshold for industrial projects. The Court remanded for further consideration the application of the 29% overall Scoping Plan metric, which is used by

> several air districts and, like the favorably cited Bay Area Air Quality Management District metric, is based on AB 32.

Citing to EOs S-3-05 and B-30-15, the Court cautioned that those EIRs taking a goal-consistency approach to CEQA significance may in the future need to consider the project's effects on meeting emissions reduction targets beyond 2020.

SB 350. SB 350 (October 2015) further expanded the RPS by establishing a goal of 50% of the total electricity sold to retail customers in California per year by December 31, 2030. In addition, SB 350 included the goal to double the energy-efficiency savings in electricity and natural gas final end uses (e.g., heating, cooling, lighting, or class of energy uses on which an energy-efficiency program is focused) of retail customers through energy conservation and efficiency. The bill also requires the CPUC, in consultation with the CEC, to establish efficiency targets for electrical and gas corporations consistent with this goal.

SB 100. SB 100 (2018) increased the standards set forth in SB 350 establishing that 44% of the total electricity sold to retail customers in California per year by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030, be secured from qualifying renewable energy sources. SB 100 states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of the retail sales of electricity to California. This bill requires that the achievement of 100% zero-carbon electricity resources do not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

Mobile Sources

AB 1493. AB 1493 (July 2002) was enacted in a response to the transportation sector accounting for more than half of California's CO_2 emissions. AB 1493 required CARB to set GHG emission standards for passenger vehicles, light-duty trucks, and other vehicles determined by the state board to be vehicles that are primarily used for noncommercial personal transportation in the state. The bill required that CARB set GHG emission standards for motor vehicles manufactured in 2009 and all subsequent model years. CARB adopted the standards in September 2004. The near-term (2009–2012) standards result in a reduction of about 22% in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term (2013–2016) standards result in a reduction of about 30%.

Heavy Duty Diesel. CARB adopted the final Heavy Duty Truck and Bus Regulation, Title 13, Division 3, Chapter 1, Section 2025, on December 31, 2014, to reduce PM and NO_x emissions from heavy-duty diesel vehicles. The rule requires PM filters be applied to newer heavier trucks and buses by January 1, 2012, with older vehicles required to comply by January 1, 2015. The rule will require nearly all diesel trucks and buses to be compliant with the 2010 model year engine requirement by January 1, 2023. CARB also adopted an Airborne Toxic Control Measure to limit

idling of diesel-fueled commercial vehicles on December 12, 2013. This rule requires diesel-fueled vehicles with gross vehicle weights greater than 10,000 pounds to idle no more than 5 minutes at any location (13 CCR 2485).

EO S-1-07. EO S-1-07 (January 2007, implementing regulation adopted in April 2009) sets a declining Low Carbon Fuel Standard for GHG emissions measured in CO_2e grams per unit of fuel energy sold in California. The target of the Low Carbon Fuel Standard is to reduce the carbon intensity of California passenger vehicle fuels by at least 10% by 2020 (17 CCR 95480 et seq.). The carbon intensity measures the amount of GHG emissions in the lifecycle of a fuel, including extraction/feedstock production, processing, transportation, and final consumption, per unit of energy delivered.

SB 375. SB 375 (September 2008) addresses GHG emissions associated with the transportation sector through regional transportation and sustainability plans. SB 375 requires CARB to adopt regional GHG reduction targets for the automobile and light-truck sector for 2020 and 2035 and to update those targets every 8 years. SB 375 requires the state's 18 regional MPOs to prepare an SCS as part of their Regional Transportation Plan (RTP) that will achieve the GHG reduction targets set by CARB. If an MPO is unable to devise an SCS to achieve the GHG reduction target, the MPO must prepare an Alternative Planning Strategy demonstrating how the GHG reduction target would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.

Pursuant to California Government Code Section 65080(b)(2)(K), an SCS does not (1) regulate the use of land; (2) supersede the land use authority of cities and counties; or (3) require that a city's or county's land use policies and regulations, including those in a general plan, be consistent with it. Nonetheless, SB 375 makes regional and local planning agencies responsible for developing those strategies as part of the federally required metropolitan transportation planning process and the state-mandated housing element process.

In 2010, CARB adopted the SB 375 targets for the regional MPOs. The targets for SANDAG are a 7% reduction in emissions per capita by 2020 and a 13% reduction by 2035.

SANDAG completed and adopted its 2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) in October 2011 (SANDAG 2011). In November 2011, CARB, by resolution, accepted SANDAG's GHG emissions quantification analysis and determination that, if implemented, the SCS would achieve CARB's 2020 and 2035 GHG emissions reduction targets for the region.

After SANDAG's 2050 RTP/SCS was adopted, a lawsuit was filed by the Cleveland National Forest Foundation and others. The case was decided in July 2017, and the court found that the EIR

did not have to use EO S-3-05's 2050 goal of an 80% reduction in GHG emissions from 1990 levels as a threshold because the EIR sufficiently informed the public of the potential impacts.

In 2015, SANDAG adopted the next iteration of its RTP/SCS in accordance with statutorily mandated timelines, and no subsequent litigation challenge was filed. More specifically, in October 2015, SANDAG adopted San Diego Forward: The Regional Plan. Like the 2050 RTP/SCS, this planning document meets CARB's 2020 and 2035 reduction targets for the region (SANDAG 2015). In December 2015, CARB, by resolution, accepted SANDAG's GHG emissions quantification analysis and determination that, if implemented, the SCS would achieve CARB's 2020 and 2035 GHG emissions reduction targets for the region. In March 2018, CARB approved updates to the SB 375 GHG emission reduction targets, including a reduction of 15% reduction in emissions per capita by 2020 and a 19% reduction by 2035 for SANDAG.

On February 26, 2021, SANDAG's Board of Directors adopted the final 2021 Regional Transportation Improvement Program (RTIP). The 2021 RTIP covers five fiscal years (FY 2021 through FY 2025) and incrementally implements the SANDAG 2019 Federal Regional Transportation Plan. The 2021 RTIP is designed to implement the region's overall strategy for providing mobility and improving the safety, condition, and efficiency of the transportation system while reducing transportation related air pollution. The 2021 RTIP incrementally implements San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP), the long-range transportation plan for the San Diego region approved by the SANDAG Board of Directors on October 25, 2019.

Advanced Clean Cars Program and Zero-Emissions Vehicle Program. The Advanced Clean Cars Program (January 2012) is an emissions-control program for model years 2015 through 2025. The program combines the control of smog- and soot-causing pollutants and GHG emissions into a single coordinated package. The package includes elements to reduce smog-forming pollution, reduce GHG emissions, promote clean cars, and provide the fuels for clean cars (CARB 2011). To improve air quality, CARB has implemented new emission standards to reduce smog-forming emissions beginning with 2015 model year vehicles. It is estimated that in 2025 cars will emit 75% less smog-forming pollution than the average new car sold today. To reduce GHG emissions, CARB, in conjunction with the EPA and the NHTSA, adopted new GHG standards for model year 2017 to 2025 vehicles; the new standards are estimated to reduce GHG emissions by 34% in 2025. The Zero-Emission Vehicle Program will act as the focused technology of the Advanced Clean Cars Program by requiring manufacturers to produce increasing numbers of zero-emission vehicles and plug-in hybrid electric vehicles in the 2018 to 2025 model years.

EO B-16-12. EO B-16-12 (March 2012) required that state entities under the governor's direction and control support and facilitate the rapid commercialization of zero-emission vehicles. It ordered CARB, CEC, CPUC, and other relevant agencies to work with the Plug-in Electric Vehicle

Collaborative and the California Fuel Cell Partnership to establish benchmarks to help achieve benchmark goals by 2015, 2020, and 2025. On a statewide basis, EO B-16-12 established a target reduction of GHG emissions from the transportation sector equaling 80% less than 1990 levels by 2050. This directive did not apply to vehicles that have special performance requirements necessary for the protection of the public safety and welfare.

AB 1236. AB 1236 (October 2015) required a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The bill provided for appeal of that decision to the planning commission, as specified. The bill provided that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern. The bill required electric vehicle charging stations to meet specified standards. The bill required a city, county, or city and county with a population of 200,000 or more residents to adopt an ordinance, by September 30, 2016, that created an expedited and streamlined permitting process for electric vehicle charging stations, as specified. The bill also required a city, county, or city and county with a population of less than 200,000 residents to adopt this ordinance by September 30, 2017.

Water

EO B-29-15. In response to the ongoing drought in California, EO B-29-15 (April 2015) set a goal of achieving a statewide reduction in potable urban water usage of 25% relative to water use in 2013. The term of the EO extended through February 28, 2016, although many of the directives have become permanent water-efficiency standards and requirements. The EO includes specific directives that set strict limits on water usage in the state. In response to EO B-29-15, the California Department of Water Resources has modified and adopted a revised version of the Model Water Efficient Landscape Ordinance that, among other changes, significantly increases the requirements for landscape water use efficiency and broadens its applicability to include new development projects with smaller landscape areas.

Solid Waste

AB 939 and AB 341. In 1989, AB 939, known as the Integrated Waste Management Act (California Public Resources Code, Sections 40000 et seq.), was passed because of the increase in waste stream and the decrease in landfill capacity. The statute established the California Integrated Waste Management Board, which oversees a disposal reporting system. AB 939 mandated a reduction of waste being disposed where jurisdictions were required to meet diversion goals of all

solid waste through source reduction, recycling, and composting activities of 25% by 1995 and 50% by the year 2000.

AB 341 amended the California Integrated Waste Management Act of 1989 to include a provision declaring that it is the policy goal of the state that not less than 75% of solid waste generated be source-reduced, recycled, or composted by the year 2020, and annually thereafter. In addition, AB 341 required the California Department of Resources Recycling and Recovery (CalRecycle) to develop strategies to achieve the state's policy goal. CalRecycle conducted several general stakeholder workshops and several focused workshops, and in August 2015 published a discussion document titled AB 341 Report to the Legislature, which identifies five priority strategies that CalRecycle believes would assist the state in reaching the 75% goal by 2020, legislative and regulatory recommendations, and an evaluation of program effectiveness (CalRecycle 2015).

Other State Actions

SB 97. SB 97 (August 2007) directed the Governor's Office of Planning and Research to develop guidelines under CEQA for the mitigation of GHG emissions. In 2008, Office of Planning and Research issued a technical advisory as interim guidance regarding the analysis of GHG emissions in CEQA documents. The advisory indicated that the lead agency should identify and estimate a project's GHG emissions, including those associated with vehicular traffic, energy consumption, water usage, and construction activities (OPR 2008). The advisory further recommended that the lead agency determine significance of the impacts and impose all mitigation measures necessary to reduce GHG emissions to a level that is less than significant. The CNRA adopted the CEQA Guidelines amendments in December 2009, which became effective in March 2010.

Under the amended CEQA Guidelines, a lead agency has the discretion to determine whether to use a quantitative or qualitative analysis or apply performance standards to determine the significance of GHG emissions resulting from a particular project (14 CCR 15064.4[a]). The CEQA Guidelines require a lead agency to consider the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions (14 CCR 15064.4[b]). The CEQA Guidelines also allow a lead agency to consider feasible means of mitigating the significant effects of GHG emissions, including reductions in emissions through the implementation of project features or off-site measures. The adopted amendments do not establish a GHG emission threshold, instead allowing a lead agency to develop, adopt, and apply its own thresholds of significance or those developed by other agencies or experts. The CNRA also acknowledges that a lead agency may consider compliance with regulations or requirements implementing AB 32 in determining the significance of a project's GHG emissions.

With respect to GHG emissions, the CEQA Guidelines state in Section 15064.4(a) that lead agencies should "make a good faith effort, to the extent possible on scientific and factual data, to describe, calculate or estimate" GHG emissions. The CEQA Guidelines note that an agency may identify emissions by either selecting a "model or methodology" to quantify the emissions or by relying on "qualitative analysis or other performance based standards" (14 CCR 15064.4[a]). Section 15064.4(b) states that the lead agency should consider the following when assessing the significance of impacts from GHG emissions on the environment: (1) the extent a project may increase or reduce GHG emissions as compared to the existing environmental setting; (2) whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and (3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions (14 CCR 15064.4[b]).

EO S-13-08. EO S-13-08 (November 2008) is intended to hasten California's response to the impacts of global climate change, particularly sea-level rise. Therefore, the EO directs state agencies to take specified actions to assess and plan for such impacts. The final 2009 California Climate Adaptation Strategy report was issued in December 2009 (CNRA 2009), and an update, Safeguarding California: Reducing Climate Risk, followed in July 2014 (CNRA 2014). To assess the state's vulnerability, the report summarizes key climate change impacts to the state for the following areas: agriculture, biodiversity and habitat, emergency management, energy, forestry, ocean and coastal ecosystems and resources, public health, transportation, and water. Issuance of the Safeguarding California: Implementation Action Plans followed in March 2016 (CNRA 2016). In January 2018, the CNRA released the Safeguarding California Plan: 2018 Update, which communicates current and needed actions that state government should take to build climate change resiliency (CNRA 2018).

2015 State of the State Address. In January 2015, Governor Brown in his inaugural address and annual report to the legislature established supplementary goals that would further reduce GHG emissions over the next 15 years. These goals include an increase in California's renewable energy portfolio from 33% to 50%, a reduction in vehicle petroleum use for cars and trucks by up to 50%, doubling the efficiency of existing buildings, and decreasing emissions associated with heating fuels.

2016 State of the State Address. In his January 2016 address, Governor Brown established a statewide goal to bring per-capita GHG emissions down to 2 tons per person, which reflects the goal of the Under 2 MOU to limit global warming to less than 2°C by 2050. The Under 2 MOU agreement pursues emission reductions of 80% to 95% below 1990 levels by 2050 and/or reaching a per-capita annual emissions goal of less than 2 MT by 2050. A total of 135 jurisdictions representing 32 countries and 6 continents, including California, have signed or endorsed the Under 2 MOU (Under 2 2017).

Local

City of Oceanside General Plan

The City of Oceanside's General Plan Circulation Element includes goals and policies to reduce GHG emissions within the City (City of Oceanside 2002). The City of Oceanside's General Plan Update includes the Energy and Climate Action Element, which establishes additional goals and policies to reduce GHG emissions (City of Oceanside 2019a). The following goals and policies from the City's General Plan are relevant to the project.

Circulation Element

- **Policy 2.5:** The City will strive to incorporate complete streets throughout the Oceanside transportation network which are designed and constructed to serve all users of streets, roads and highways, regardless of their age or ability, or whether they are driving, walking, bicycling, or using transit.
- **Pedestrian Facilities**
    - **Goal 5:** Support walking as a primary means of transportation that in turn supports transit and bike options. A positive walking environment is essential for supporting smart growth, mixed land uses, transit oriented development, traffic calming and reducing traffic congestion and greenhouse gas emissions.
- **Intelligent Transportation System Technologies**
    - **Policy 4.1:** The City shall encourage the reduction of vehicle miles traveled, reduction of the total number of daily and peak hour vehicle trips, and provide better utilization of the circulation system through development and implementation of transportation demand management (TDM) strategies. These may include, but not limited to, implementation of peak hour trip reduction, encourage staggered work hours, telework programs, increased development of employment centers where transit usage is highly viable, encouragement of ridesharing options in the public and private sector, provision for park-and-ride facilities adjacent to the regional transportation system, and provision for transit subsidies.
- **Transportation Demand Management**
    - **Policy 4.9:** The City shall look for opportunities to incorporate TDM [transportation demand management] programs into their Energy Roadmap that contributes to state and regional goals for saving energy and reducing greenhouse gas emissions.

Land Use Element

- **Air Quality**
  - The City will continue to cooperate with the SDAPCD Board. This will include participation in the development of the Regional Air Quality Strategy (RAQS) through cooperation with the San Diego County Air Quality Planning Team.
- **Bicycle Facilities**
  - **Policy A**: Development shall provide Class II Bikeways (Bike Lanes) on all secondary, major, and prime arterials.
  - **Policy D**: The use of land shall integrate the Bicycle Circulation System with auto, pedestrian, and transit systems:
    1. Development shall provide short-term bicycle parking and long-term bicycle storage facilities such as bicycle racks, pedestal posts, and rental bicycle lockers.
    2. Development shall provide safe and convenient bicycle access to high activity land uses, such as schools, parks, shopping, employment, and entertainment centers.
- **Pedestrian**
  - **Policy A**: The construction of five (5) foot wide sidewalks adjacent to the curb shall be required in all new developments and street improvements.
- **Transit System**
  - **Policy A**: The City shall coordinate and encourage the existing bus system to serve newly developed areas.
- **Energy**
  - **Policy A:** The City shall encourage the design, installation, and use of passive and active solar collection systems.
  - **Policy B**: The City shall encourage the use of energy efficient design, structures, materials, and equipment in all land developments or uses.

Environmental Resource Management Element

- The City will continue to cooperate with the SDAPCD Board. This will include participation in the development of the Regional Air Quality Strategy (RAQS) through cooperation with the San Diego County Air Quality Planning Team.

Energy and Climate Action Element

- **Policy ECAE 1b-4:** The City shall explore opportunities to implement "mobility hub" features within Smart Growth Opportunity Areas and other areas amenable to active transportation and shared mobility option.

- **Policy ECAE 2a-6:** The city shall work with the development community to identify new sources of financing for mixed-use and other forms of urbanized development, including the implementation of the El Corazon Specific Plan.
- **Policy ECAE 2e-4:** Through TDM programs and other means, the City shall encourage employers to participate in regional rideshare programs, including SANDAG's iCommute.
- **Policy ECAE 2f-2:** The City shall explore incentives for electric vehicle charging facilities in multi-family developments.
- **Policy ECAE 2f-4:** The City shall partnership with the local business community, San Diego Gas & Electric, and other stakeholders, explore ways to reduce the cost of electric and other zero emission vehicles to Oceanside residents, specifically low-income households in proximity to air quality hotspots near I-5 and state highways.
- **Policy ECAE 2f-9:** The City shall consider ways to reduce vehicle idling, particularly in proximity to schools and other sensitive receptors.
- **Policy ECAE 5a-2**: The City shall update the City's Street Tree Ordinance to require one-to-one replacement of trees removed from the public right-of-way, parkways, and other public spaces.

Oceanside Climate Action Plan and Energy and Climate Action Element

On May 8, 2019, the City Council voted to adopt the Climate Action Pan (CAP) as a part of their General Plan Update, which also includes development of a policy framework to the Energy and Climate Action Element (ECAE). The CAP is intended to proactively support statewide efforts to cut GHG emissions by expanding local renewable energy generation, reducing energy use, promoting recycling and reuse, facilitating active transportation, and encouraging other sustainable practices. The CAP will build upon a variety of City projects that promote energy efficiency, increased renewable energy use, water conservation, and solid waste reduction. In accordance with Section 15183.5 of the California Environmental Quality Act (CEQA), the CAP Checklist provides for streamlined review of projects subject to environmental review, offering an alternative to project-specific analysis of GHG emissions impacts. Consistent with California's Climate Change Scoping Plan, the City has established a bright line threshold of significance for GHG emissions impacts: 900MT annually, with construction-related emissions amortized over 20 years. Projects that fall under this threshold are not required to conduct analysis of GHG emissions impacts, and thus would not benefit from the Checklist. Projects that don't meet the bright line threshold of significance are required to meet an efficiency metric threshold of 4.0 MT CO_2e per service population per year (MT CO_2e/SP/yr) for year 2020 or an efficiency metric threshold of 3.5 MT CO_2e/SP/yr for year 2025 (City of Oceanside 2019). Projects that meet these thresholds would be considered consistent with the City's CAP.

4.7.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to greenhouse gases are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to greenhouse gases would occur if the proposed project would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

As stated in CEQA Guidelines Section 15064.4(b)(1)-(3),

> a lead agency should consider the following factors, among others, when assessing the significance of impacts from GHG emissions on the environment: (1) the extent to which a project may increase or reduce GHG emissions as compared to the existing environmental setting; (2) whether project emissions exceed a threshold of significance that the lead agency determines applies to the project; and, (3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

Section 15064(h)(3) of the CEQA Guidelines also states that "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located."

The CEQA Guidelines do not prescribe specific methodologies for performing an assessment, do not establish specific quantitative thresholds of significance, and do not mandate specific mitigation measures. Rather, the CEQA Guidelines emphasize the lead agency's discretion to determine the appropriate methodologies and thresholds of significance consistent with the manner in which other impact areas are handled in CEQA.

The Office of Planning and Research Technical Advisory titled CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act Review states that "public agencies are encouraged but not required to adopt thresholds of significance for environmental impacts. Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact" (OPR 2008). Furthermore, the advisory document indicates

that "in the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a 'significant impact,' individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice."

Global climate change is a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of GHGs. There are currently no established quantitative thresholds for assessing whether the GHG emissions of a project, such as the project, would be considered a cumulatively considerable contribution to global climate change; however, all reasonable efforts should be made to minimize a project's contribution to global climate change. In addition, while GHG impacts are recognized exclusively as cumulative impacts (CAPCOA 2008), GHG emissions impacts must also be evaluated on a project-level under CEQA.

City of Oceanside

As the lead agency, the City has the discretion to choose the significance threshold for discretionary projects. The Planning Division Policy Directive 2018-01 provides an interim guidance to assess for GHG emissions impact analysis. Consistent with recent projects certified by the City and the City CAP, the project will utilize a 900 MT CO_2e per year threshold consistent with the California Air Pollution Control Officers Association interim screening level as discussed below.

The analysis for compliance with regulatory programs only applies to the individual area addressed by the regulatory program. If the project is determined to have GHG emissions less than 900 MT CO_2e per year, then the project cumulative contribution of GHG emissions would be considered less than significant. Conversely, if the project is determined to exceed the 900 MT CO_2e per year threshold, then the project would be compared to an efficiency metric of 3.5 MT CO_2e per service population per year, to evaluate the potential for the project to result in a significant GHG emissions impact

4.7.4 Impacts Analysis

Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction of the project would result in GHG emissions, which are primarily associated with the use of off-road construction equipment, on-road vendor trucks, and worker vehicles. The construction GHG emissions as calculated in CalEEMod are shown in Table 4.7-3 below. Total cumulative or combined construction emissions (from 2023 and 2024) that are generated prior to operations will ultimately contribute to yearly emission levels of the project as a whole. Because of this, it is acceptable to average the total construction emission over a 30-year period which

represents an average lifecycle of a project. GHGs related to construction are shown in Table 4.7-3. Based on this, it is expected that the 30-year average would be 17.18 MT CO_2e per year.

Table 4.7-3
Expected Annual Construction CO_2e Emissions Summary MT/Year

Year	Bio-CO_2	NBio- CO_2	Total CO_2	CH_4	N_2O	CO_2e
2023	0.00	466.87	466.87	0.09	0.00	469.19
2024	0.00	45.88	45.88	0.01	0.00	46.11
Total						**515.30**
Yearly Average Construction Emissions (MT CO_2e /year over 30 years)						**17.18**

Source: Appendix G

Operational GHG emissions generated from area, energy, mobile, solid Waste, and water uses was also calculated using CalEEMod. Operational emissions from the proposed project would also include amortized construction emissions from Table 4.7-3 above. Based on these findings, combined operational and construction GHG emissions would generate approximately 531.48 Metric Tons of CO_2e each year during a typical operational year. The expected operational emissions for the proposed project are outlined in Table 4.7-4 below.

Table 4.7-4
Expected Operational Emissions Summary MT/Year

Emission Source	Bio-CO_2	NBio-CO_2	Total CO_2	CH_4	N_2O	CO_2e
Area	0.00	43.19	43.19	0.00	0.00	43.46
Energy	0.00	152.80	152.80	0.00	0.00	153.52
Mobile	0.00	345.94	345.94	0.02	0.00	346.40
Solid waste	12.82	0.00	12.82	0.76	0.00	31.75
Water supply and wastewater	0.89	11.68	12.57	0.09	0.00	15.56
162 KW Rooftop Solar Reduction						-88.70
Total Construction Emissions (Amortized over 30 Years from table above)						17.18
Total Cumulative Operations (Construction + Operations - Solar)						**531.48**
Service Population (Residential Component) 2.92*54=157.68						**157.68**
Total GHGs per SP (MT CO_2e per SP)						**3.29**

Source: Appendix G
Notes: Data is presented in decimal format and may have rounding errors.
Data includes reductions from natural gas fireplaces instead of wood burning fireplaces.

Based on the findings shown in Table 4.7-4, the project would generate roughly 3.29 MT CO_2e/SP. Additionally, the project would not exceed the City's 900 MT CO_2e screening threshold.

Additionally, as outlined in Chapter 3 of this EIR, the project would incorporate sustainability design features to reduce potential energy and water usage, promote pedestrian and bicycle travel,

and reduce potential greenhouse gas emissions. These sustainability features include solar systems for each home within the development, installation of 90% light-emitting diode (LED) lighting or other high-efficiency lightbulbs, energy star or equivalent energy efficient appliances, low-flow water fixtures and appliances, drought-tolerant landscaping and water efficient irrigation systems on-site, and bicycle parking.

For the reasons outlined above, and calculated in Appendix G of this EIR, it is determined that implementation of the project would not generate substantial greenhouse gas emissions that may have a significant impact on the environment, and therefore impacts would be **less than significant**.

Would the project generate conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The proposed project would be consistent with the goals set forth in the City's General Plan Environmental Resource Management Element, Land Use Element, and Circulation Element that are designed to reduce GHG emissions, reduce energy use in buildings and infrastructure, and promote the use of renewable energy sources, conservation, and other methods of efficiency. Table 4.7-5 below outlines the project's consistency with applicable General Plan goals related to GHG.

Table 4.7-5
City of Oceanside General Plan – Project Consistency Analysis

General Plan Goal	Consistency Analysis
Environmental Resource Management Element[a]	
Air Quality. Cooperate with County, State, and federal agencies in continuing programs of air quality improvement.	*Consistent.* The project would not impair the City's ability to work with the County, state, and other local agencies.
Land Use Element[b]	
Air Quality. The City shall cooperate with the San Diego County Air Pollution Control Board and participate in the Regional Air Control Strategy (RAQS).	*Consistent.* The project would not impair the City's ability to work with the SDAPCD Board or RAQS.
Bicycle Facilities. Policy A: Development shall provide Class II Bikeways (Bike Lanes) on all secondary, major, and prime arterials.	*Consistent.* The project is a compact residential infill project located in an already urbanized area of the City. There are currently Class II bike lanes in each direction of travel on Pala Road, Mission Avenue, and El Camino Real (south of Mission Avenue) in the vicinity of the project site. The project would maintain access to the San Luis Rey River Trail bike path. The closest public access point to the San Luis Rey River Trail bike path from the project site is located just east, off Cypress Road
Pedestrian. Policy A: The construction of five (5) foot wide sidewalks adjacent to the curb shall be required in all new developments and street improvements.	*Consistent.* Pedestrian access is provided by existing sidewalks in each direction of travel along Los Arbolitos Boulevard, Pala Road, Fredricks Avenue, El Camino Real, Mission Avenue, and Aspen Street. Sidewalk improvements proposed for Aspen Street would include extending the curb, gutter, and sidewalk on both sides leading into the project site with ADA-accessible corner curbs.

Table 4.7-5
City of Oceanside General Plan – Project Consistency Analysis

General Plan Goal	Consistency Analysis
Transit System. Policy A: The City shall coordinate and encourage the existing bus system to serve newly developed areas.	*Consistent*. The project would not impair the City's ability to coordinate and encourage the existing bus system to serve newly developed areas. The project is located within an existing developed area of the City. The project area is provided transit service via the North County Transit District (NCTD), which operates the Oceanside Transportation Center located approximately 4.3 miles from the project site. The routes that operate near the project area are routes 303, 309, and 311. Bus stops within a 1-mile radius of the project site include the stops located at Pala Road and Fredricks Avenue, Los Arbolitos Boulevard and Orr Street, and El Camino Real and Mission Avenue.
Energy. Policy A. The City shall encourage the design, installation, and use of passive and active solar collection systems.	*Consistent.* The project will meet Title 24 requirements for solar energy. The project will include a solar system for every proposed residential unit.
Energy. Policy B. The City shall encourage the use of energy efficient design, structures, materials, and equipment in all land developments or uses.	*Consistent.* In addition to the project's infill location, the project would include several sustainability design features to reduce potential energy and water usage, promote pedestrian and bicycle travel, and reduce potential greenhouse gas emissions. The proposed sustainability features include, a solar system for each home, installation of 90% light-emitting diode (LED) lighting or other high-efficiency lightbulbs, energy star or equivalent energy efficient appliances, low-flow water fixtures and appliances, drought-tolerant landscaping and water efficient irrigation system, and bicycle parking facilities.
Circulation Element[c]	
Policy 2.5. The City will strive to incorporate complete streets throughout Oceanside.	*Not applicable.* The project would not impair the City's ability to incorporate complete streets throughout the City.
Pedestrian Facilities. Support walking as a primary means of transportation.	*Consistent.* The project would not impair the City's ability to improve the walkability throughout the City. Pedestrian access is available to/from the project site by existing sidewalks in each direction of travel along Los Arbolitos Boulevard, Pala Road, Fredricks Avenue, El Camino Real, Mission Avenue, and Aspen Street.
Intelligent Transportation System Technologies. Improve air quality and reduce greenhouse gas emissions through traffic signal optimization and the use of advanced signal control technologies.	*Not applicable.* The project would not impair the City's ability to optimize traffic signals or use advanced signal control technologies.
Transportation Demand Management. The City shall look for opportunities to incorporate Transportation Demand Management (TDM) programs into their Energy Roadmap that contributes to state and regional goals for saving energy and reducing greenhouse gas emissions.	*Not applicable.* The project would not impair the City's ability to incorporate TDM strategies into their Energy Roadmap.

Source:
[a] City of Oceanside 1975; [b] City of Oceanside 1986; [c] City of Oceanside 2002.

As shown in Table 4.7-5, the project would be consistent with applicable and goals and policies of the City's General Plan to the extent feasible.

Consistency with the City of Oceanside's Climate Action Plan

The City prepared a GHG emissions inventory and a CAP, both of which inform the E-CAP (City of Oceanside 2019a). The City's Final CAP was adopted on May 8, 2019. The CAP demonstrates that, with implementation of applicable General Plan objectives and policies, coupled with state and federal actions and execution of CAP measures and actions, the City will reduce GHG emissions in alignment with state goals established by Senate Bill 32 and maintain a trajectory to meet its proportional share of the 2050 state target identified in Executive Order S-3-05. Since the project would result in total GHG emissions that would not exceed the threshold of significance for GHG emissions impacts (900MT annually) the project would not conflict with the City's CAP.

Consistency with SANDAG'S San Diego Forward: The Regional Plan

The project would be developed to support the policy objectives of the RTP and SB 375. The 2021 RTIP incrementally implements San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP), the long-range transportation plan for the San Diego region approved by the SANDAG Board of Directors on October 25, 2019. Table 4.7-6 illustrates the project's consistency with applicable goals and policies of the San Diego Forward: 2019 Federal RTP.

Table 4.7-6
San Diego Forward: The Regional Plan Consistency Analysis

Category	Policy Objective or Strategy	Consistency Analysis
The Regional Plan – Policy Objectives		
Habitat and Open Space Preservation	Focus growth in areas that are already urbanized, allowing the region to set aside and restore more open space in our less developed areas. Protect and restore our region's urban canyons, coastlines, beaches, and water resources.	*Consistent.* The project is a compact residential infill project located in an urban area of the City. The project would be consistent with the existing zoning and general plan designation for the project site, and implementation of the project would not impact the designated open space area located to the north and west of the project site.
Regional Economic Prosperity	Invest in transportation projects that provide access for all communities to a variety of jobs with competitive wages. Build infrastructure that makes the movement of freight in our community more efficient and environmentally friendly.	*Not applicable.* The project would not impair the ability of SANDAG to Invest in transportation projects or to build infrastructure that makes the movement of freight in our community more efficient and environmentally friendly
Environmental Stewardship	Make transportation investments that result in cleaner air, environmental protection, conservation, efficiency, and sustainable living. Support energy programs that promote sustainability	*Not applicable.* The project would not impair the ability of SANDAG to make transportation investments that result in cleaner air, environmental protection, conservation, efficiency, and sustainable living. Support energy programs that promote sustainability

Table 4.7-6
San Diego Forward: The Regional Plan Consistency Analysis

Category	Policy Objective or Strategy	Consistency Analysis
Mobility Choices	Provide safe, secure, healthy, affordable, and convenient travel choices between the places where people live, work, and play. Take advantage of new technologies to make the transportation system more efficient and accessible	*Consistent.* The project would be located in an urban area of the City, surrounding by existing infrastructure. The project is located within close proximity to connecting roadways and approximately 0.9 mile north of State Route 76 Highway. Pedestrian, public transportation, and bicycle circulation opportunity is also available in the project vicinity.
Partnerships/Collaboration	Collaborate with Native American tribes, Mexico, military bases, neighboring counties, infrastructure providers, the private sector, and local communities to design a transportation system that connects to the mega-region and national network, works for everyone, and fosters a high quality of life for all. As we plan for our region, recognize the vital economic, environmental, cultural, and community linkages between the San Diego region and Baja California	*Not Applicable.* The project would not impair the ability of SANDAG to Collaborate with Native American tribes, Mexico, military bases, neighboring counties, infrastructure providers, the private sector, and local communities.
Healthy and Complete Communities	Create great places for everyone to live, work, and play. Connect communities through a variety of transportation choices that promote healthy lifestyles, including walking and biking. Increase the supply and variety of housing types – affordable for people of all ages and income levels in areas with frequent transit service and with access to a variety of services.	*Consistent.* The project would be located in an urban area of the City, surrounding by existing infrastructure, schools, parks, and commercial centers. Pedestrian, public transportation, and bicycle circulation opportunity is available in the project vicinity. The project would provide new market rate and affordable housing on a site that is consistent with the City's General Plan, Zoning Ordinance, Density Bonus Law, and affordable housing objectives, and to help satisfy the City's current and future demand for housing.
Sustainable Communities Strategy (SCS) – Strategies		
Strategy No. 1	Focus housing and job growth in urbanized areas where there is existing and planned transportation infrastructure, including transit.	*Consistent.* The project is a compact residential infill project located in an already urbanized area of the City close to public transportation and existing infrastructure.

Table 4.7-6
San Diego Forward: The Regional Plan Consistency Analysis

Category	Policy Objective or Strategy	Consistency Analysis
Strategy No. 2	Protect the environment by preserving sensitive habitat, open space, and farmland	*Consistent.* The project is located on a site that has been previously disturbed by adjacent development. The designated open space west of the project site would not be impacted by project implementation, A portion in the northwest corner of the project site would been left undeveloped as part of the City's Draft Subarea Plan hardline preserve and to accommodate the existing San Luis Rey Trail located on the property. As outlined in Chapter 4.3 of this EIR, the project would result in significant impacts to biological resources. Lastly, there is no designated farmland within the project area.
Strategy No. 3	Invest in a transportation network that gives people transportation choices and reduces GHG emissions.	*Not Applicable.* The project would not impair SANDAG's ability to invest in transportation network choices that reduce GHG emissions.
Strategy No. 4	Address the housing needs of all economic segments of the population.	*Consistent.* The project would develop 54 new residential units. The project would provide new market rate and affordable housing on a site that is consistent with the City's General Plan, Zoning Ordinance, Density Bonus Law, and affordable housing objectives, and to help satisfy the City's current and future demand for housing.
Strategy No. 5	Implement the 2019 Federal RTP through Incentives and Collaboration	*Not Applicable.* The project would not impair the ability of SANDAG to implement the Regional Transportation Plan through incentives and collaborations.

Source: SANDAG 2021.

As shown in Table 4.7-6, the project is consistent with applicable policy objectives and strategies from the Regional Plan.

Consistency with SB 32 and EO S-3-05

EO S-3-05. This EO establishes the following goals: GHG emissions should be reduced to 2000 levels by 2010, to 1990 levels by 2020, and to 80% below 1990 levels by 2050.

SB 32. This bill establishes for a statewide GHG emissions reduction target whereby CARB, in adopting rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions, shall ensure that statewide GHG emissions are reduced to at least 40% below 1990 levels by December 31, 2030.

CARB has expressed optimism with regard to both the 2030 and 2050 goals. It states in the First Update that "California is on track to meet the near-term 2020 GHG emissions limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32" (CARB 2014, p. ES2). CARB believes that the state is on a trajectory to meet the 2030 and 2050 GHG reduction targets set forth in AB 32, EO B-30-15, and EO S-3-05. This is confirmed in the 2030 Scoping Plan (CARB 2017, p. 7).

The project would not interfere with implementation of any of the above-described GHG reduction goals for 2030 or 2050 because the project would not exceed the 900 MT CO_2e threshold of significance for GHG emissions impacts. The project would not conflict with SB 32 and EO S-3-05.

For the reasons stated above, it is determined that the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and therefore impacts would be less than significant.

4.7.5 Mitigation Measures

Impacts related to greenhouse gas emissions as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.7.6 Level of Significance After Mitigation

No substantial impacts related to greenhouse gas emissions were identified; therefore, no mitigation measures are required. Impacts related to greenhouse gas emissions would be **less than significant**.

4.8 HAZARDS AND HAZARDOUS MATERIALS

This section describes the existing hazards and hazardous materials conditions of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Cypress Point project (proposed project) in the City of Oceanside (City). The following analysis is based on the Phase I and Limited Phase II Environmental Site Assessment that was prepared for the proposed project by Leighton and Associates, Inc. in August 2020, and is incorporated by reference herein. The Phase I and Limited Phase II Environmental Site Assessment is included as Appendix J to this EIR.

4.8.1 Existing Conditions

Hazardous Materials Definition

The term "hazardous materials" refers to both hazardous substances and hazardous wastes. Under federal and state laws, materials, including wastes, may be considered hazardous if they are specifically listed by statute as such or if they exhibit one of the following four characteristics: toxicity (causes adverse human health effects), ignitability (has the ability to burn), corrosivity (causes severe burns or damage to materials), or reactivity (can react violently, explode, or generate vapors). The term "hazardous material" is defined in law as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment (California Health and Safety Code, Section 25501[o]).

In some cases, past industrial or commercial activities may have resulted in spills or leaks of hazardous materials, resulting in soil and/or groundwater contamination. Excavated soils having concentrations of certain contaminants, such as lead, gasoline, or industrial solvents, that are higher than certain acceptable levels must be managed, treated, transported, and/or disposed of as a hazardous waste. The California Code of Regulations (CCR), Title 22, Sections 66261.10 through 66261.24, contains technical descriptions of characteristics that would cause a soil to be designated a hazardous waste.

Federal and state laws require that hazardous materials be specially managed. California regulations are compliant with federal regulations and in most cases, are more stringent. Regulations also govern the management of potentially hazardous building materials, such as asbestos-containing materials, lead-based paint, and polychlorinated biphenyls (PCBs) during demolition activities that could potentially disturb existing building materials.

Historic Property Uses

Historically, the project site has been vacant and undeveloped since at least 1938. The project site was then used for agricultural purposes from 1953 through the 1970s. Since the 1970s the project site has been vacant, undeveloped land. Adjacent parcels to the east and south were graded for development in the 1970s, resulting in some grading or earthwork activities on the project site. The project site, and the properties to the north and west, remained vacant and undeveloped.

Currently the 7.3-acre project site is vacant, undeveloped land, with drainage swales located along the southern boundary and across the northern portion of the project site. The project site has two observation wells and one gate valve/air pressure valve. These two groundwater monitoring wells were drilled by the San Diego County Water Authority and the City of Oceanside, respectively. Additionally, one gate valve/air pressure valve was also observed adjacent to the central-western property line and appears to be off-site. If the wells are unused, the wells may be considered abandoned. Abandon wells should be permanently destroyed per State of California and County of San Diego Department of Environmental Health requirements. Per County guidance, these wells must be properly destroyed by a C57 licensed well driller under the County's Department of Environmental Health and Quality (DEHQ) permit, prior to any grading or construction on the project site. The gate valves/air pressure valves may need to be relocated/abandoned in accordance with the local agency's codes.

The project site is located in a residential land use area, with the nearest existing residence located approximately 50 feet from the project site at its nearest point to the south and east. Land to the north and west consist of naturally vegetated land and the San Luis Rey River.

Hazardous Material Sites

Based on a review of hazardous material databases (see Section 4.8.2, Regulatory Setting, below), hazardous materials may currently be or previously have been stored and used at numerous facilities and locations within the project vicinity for a variety of purposes. Some of these facilities within the area may have experienced unauthorized releases into soil or groundwater, and these releases may or may not have been reported to the appropriate agency or agencies.

A search of the State Water Resources Control Board (SWRCB) GeoTracker and the Department of Toxic Substances Control (DTSC) EnviroStor databases revealed that there are no hazardous sites within a 0.5-mile radius of the project site. The nearest listed site is 0.8 miles away and is characterized as "completed-case closed", which means it does not represent an environmental concern.

Site Reconnaissance

On July 9, 2020, a representative of Leighton conducted a reconnaissance-level assessment of the project site was completed to assess the potential for on-site releases of hazardous materials and petroleum products. The site reconnaissance consisted of the observation and documentation of existing site conditions and nature of the neighboring property development within 0.25 mile of the project site. As described above, two observation wells and one gate valve/air pressure valves were identified along the eastern site boundary. Additionally, one gate valve/air pressure valve was also observed adjacent to the central-western property line and appears to be off-site. Drainage swales were identified along the southern boundary and across the northern portion of the project site, and miscellaneous soil and household debris were observed along the eastern site boundary. Site reconnaissance photos are included as an appendix to Appendix J of this EIR.

On July 20, 2020, Leighton personnel advanced eight hand auger borings (HA-1 through HA-8) to a maximum depth of 1.5 feet below ground surface (bgs) at the project site. Soil samples were collected from each of the hand auger boring locations at 0.5 and 1.5 feet bgs. A total of 16 soil samples were collected from the eight hand auger borings across the project site and analyzed for OCPs by EPA Method 8081A and arsenic by EPA Method 6010B. Both OCPs and arsenic were detected from the soil samples; however, OCPs were below the U.S. EPA Regional Screening Levels (RSLs) for residential soil, and detected arsenic was below the DTSC Southern California Regional Background Concentration for residential soil. No RECs, HRECs, or CRECs were identified.

Sensitive Receptors

Preschools, schools, daycare centers, nursing homes, and hospitals are considered sensitive receptors for hazardous material issues because children and the elderly are more susceptible than adults to the effects of many hazardous materials. There are no sensitive receptors within a 0.25-mile radius of the project site.

Airports

The nearest public airport to the project site is the Oceanside Municipal Airport, located approximately 1.5 miles southwest of the project site. According to the Oceanside Municipal Airport Land Use Compatibility Plan (ALUCP), the southern portion of the project site is within the Airport Overflight Notification Area (ALUC 2010).

Wildfires

Both the State of California and County of San Diego map the Fire Hazard Severity Zones (FHSZs) within San Diego County. According to the California Department of Forestry and Fire Protection (CAL FIRE), the FHSZs are based on an evaluation of fire history, existing and potential duel,

flame length, blowing embers, terrain, weather, and the likelihood of buildings igniting. The proposed project is within a Local Responsibility Area (LRA) unzoned Fire Hazard Severity Zone, also referred to as "non-very high fire hazard severity zone" (CAL FIRE 2009). Therefore, the project site has a low potential for risk of wildfire hazards.

Evacuation Routes

The City of Oceanside General Plan Public Safety Element includes evacuation routes for people who are forced from their homes during a disaster. The main through streets and highways within the city would be the primary relocation routes, and schools would serve as refuge centers capable of providing food and shelter (City of Oceanside 2002). El Camino Real and California State Route 76 are the nearest evacuation routes to the project site.

4.8.2 Regulatory Setting

Federal

Hazardous Materials Transportation Act

The U.S. Department of Transportation regulates hazardous materials transportation under Title 49 of the United States Code (U.S.C.). State agencies with primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol and the California Department of Transportation. These agencies also govern permitting for hazardous materials transportation. Title 49 CFR reflects laws passed by Congress as of January 2, 2006.

Federal Toxic Substances Control Act and Resources Conservation and Recovery Act

The Federal Toxic Substances Control Act of 1976 (15 U.S.C. 2601-2697) and the Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. 6901-6992) established a program administered by the U.S. Environmental Protection Agency (EPA) for regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (PL 98-616), which affirmed and extended the "cradle-to-grave" system of regulating hazardous wastes. The use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by the Hazardous and Solid Waste Act. Under the authority of RCRA, the regulatory framework for managing hazardous waste, including requirements for entities that generate, store, transport, treat, and dispose of hazardous waste is found in 40 CFR, Parts 260-299.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA; U.S.C.9601-9675), commonly known as "Superfund", was enacted by Congress on December 11, 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled the revision of the National Contingency Plan. The National Contingency Plan provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants.

International Fire Code

The International Fire Code (IFC; ICC 2020), created by the International Code Council (ICC), is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The IFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The IFC and the International Building Code (IBC) use a hazard classification system to determine what protective measures are required to protect life safety in relation to fire. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the IFC employs a permit system based on hazard classification. The IFC is updated every 3 years, with the most recent edition being from 2021.

Federal Aviation Administration Functions

The Federal Aviation Administration (FAA) has primary responsibility for the safety of civil aviation. The FAA's major functions regarding hazards include the following: (1) developing and operating a common system of air traffic control and navigation for both civil and military aircraft, (2) developing and implementing programs to control aircraft noise and other environmental effects of civil aviation, (3) regulating U.S. commercial space transportation, and (4) conducting reviews to determine the safety of persons and property on the ground are protected.

Federal Response Plan

The Federal Response Plan of 1999 (FEMA 1999) is a signed agreement among 27 federal departments and agencies, including the America Red Cross, that (1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of state and local governments overwhelmed by a major disaster or emergency; (2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Act, as well as individual agency statutory

authorities; and (3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a presidential declaration of a major disaster or emergency.

State

California Occupational Safety and Health Administration

The California Occupational Safety and Health Administration (CalOSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. CalOSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR 330 et seq.). The regulations specify requirements for employee training, availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings.

California Hazardous Waste Control Act

The Department of Toxic Substances Control is responsible for the enforcement of the Hazardous Waste Control Act (California Health and Safety Code, Section 25100 et seq.), which creates the framework under which hazardous wastes are managed in California. The law provides for the development of a state hazardous waste program that administers and implements the provisions of the federal RCRA cradle-to-grave waste management system in California. It also provides for the designation of California-only hazardous waste and development of standards that are equal to or, in some cases, more stringent than federal requirements. While the Hazardous Waste Control Act is generally more stringent than RCRA, until the EPA approves the California hazardous waste control program (which is charges with regulating the generation, treatment, storage, and disposal of hazardous waste), both the state and federal laws apply in California. The Hazardous Waste Control Act lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

According to 22 CCR 66001 et seq., substances having a characteristic of toxicity, ignitability, corrosivity, or reactivity are considered hazardous waste. Hazardous wastes are hazardous substances that no longer have a practical use, such as material that has been abandoned, discarded, spilled, contaminated, or are being stored prior to proper disposal.

Toxic substances may cause short-term or long-lasting health effects ranging from temporary effects to permanent disability or death. For example, toxic substances can cause eye or skin irritation, disorientation, headache, nausea, allergic reactions, acute poisoning, chronic illness, or other adverse

health effects if human exposure exceeds certain levels (the level depends on the substance involved). Carcinogens (substances known to cause cancer) are a special class of toxic substances. Examples of toxic substances include most heavy metals, pesticides, and benzene (a carcinogenic component of gasoline). Ignitable substances (e.g., gasoline, hexane, and natural gas) are hazardous because of their flammable properties. Corrosive substances (e.g., strong acids and bases such as sulfuric (battery) acid or lye) are chemically active and can damage other materials or cause severe burns upon contact. Reactive substances (e.g., explosives, pressurized canisters, and pure sodium metal, which react violently with water) may cause explosions or generate gases or fumes.

Other types of hazardous materials include radioactive and biohazardous materials. Radioactive materials and wastes contain radioisotopes, which are atoms with unstable nuclei that emit ionizing radiation to increase their stability. Radioactive waste mixed with chemical hazardous waste is referred to as "mixed wastes". Biohazardous materials and wastes include anything derived from living organisms. They may be contained with disease-causing agents, such as bacteria or viruses (22 CCR 66261.1 et seq.).

Cortese List

Government Code Section 65962.5, commonly referred to as the Cortese List, was originally enacted in 1985. Provisions set forth in Section 65962.5 require that the Department of Toxic Substances Control compile and update a list of the following:

- All hazardous waste facilities subject to corrective action
- All land designated as hazardous waste property or border zone property
- All information received by the Department of Toxic Substances Control on hazardous wastes disposals on public lands
- All sites listed pursuant to Section 25356 of the Health and Safety Code (hazardous substance release sites)
- All sites included in the Abandoned Site Assessment Program

California Accidental Release Prevention Program

Similar to the EPA Risk Management Program, the California Accidental Release Prevention (CalARP) Program (19 CCR 2735.1 et seq.) regulates facilities that use or store regulated substances, such as toxic or flammable chemicals, in quantities that exceed established thresholds. The overall purpose of CalARP is to prevent accidental releases of regulated substances and reduce the severity of releases that may occur. The CalARP Program meets the requirements of the EPA Risk Management Program, which was established pursuant to the Clean Air Act amendments.

California Health and Safety Code

In California, the handling and storage of hazardous materials is regulated by Division 20, Chapter 6.95, of the California Health and Safety Code (Section 25500 et seq.). Under Sections 25500-25543.3, facilities handling hazardous materials are required to prepare a hazardous materials business plan. Hazardous materials business plans contain basic information about the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state.

Chapter 6.95 of the Health and Safety Code establishes minimum statewide standards for Hazardous Materials Business Plans. Each business shall prepare a Hazardous Materials Business Plan if that business uses, handles, or stores a hazardous material (including hazardous waste) or an extremely hazardous material in disclosable quantities greater than or equal to the following:

- 500 pounds of a solid substance
- 55 gallons of a liquid
- 200 cubic feet of compressed gas
- A hazardous compressed gas in any amount (highly toxic with a Threshold Limit Value of 10 parts per million or less)
- Extremely hazardous substances in threshold planning quantities (California Health and Safety Code, Section 25503.5).

In addition, in the event that a facility stores quantity of specific acutely hazardous materials above a threshold set forth by California code, facilities are also required to prepare a risk management plan and California accidental release prevention plan. The risk management plan and accidental release prevention plan provides information about the potential impact zone of a worst-case release and require plans and programs designed to minimize the probability of a release and mitigate potential impacts.

California Fire Code

The California Fire Code (CFC) is Chapter 9 of Title 24 of the CCR. It was created by the California Building Standards Commission, and it is based on the IFC created by the ICC. It is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The CFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazard classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separations from property lines, and specialized equipment.

To ensure that these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every 3 years.

California Emergency Services Act

Under the Emergency Services Act (California Government Code, Section 8550 et seq.), the State of California developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an integral part of the plan, which is administered by the Governor's Office of Emergency Services. The Office of Emergency Services coordinates the responses of other agencies, including the EPA, California Highway Patrol, Regional Water Quality Control Boards (RWQCBs), air quality management districts, and county disaster response offices.

Regional Water Quality Control Board (RWQCB)

The RWQCB implements the California Water Code which regulates water discharges to land. If a discharge of waste threatens a water of the state, a report waste discharge or an application for a waiver of a report of waste discharge must be filed with the RWQCB. The RWQCB accomplishes its permitting responsibility by issuing either a general or site-specific permit (Waste Discharge Permit) or a waiver of a permit.

Local

San Diego County Emergency Plan

The San Diego County Emergency Plan is a comprehensive emergency management system that provides for a planned response to disaster situations associated with natural disasters, technological incidents and nuclear defense operations. The Plan includes operational concepts relating to various emergency situations, identifies components of the Emergency Management Organization and describes the overall responsibilities for protecting life and property and assuring the overall well-being of the population. The plan also identifies the source of outside support that might be provided (through mutual aid and specific statutory authorities) by other jurisdictions, state and federal agencies and the private sector.

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

The San Diego County Multi-Jurisdictional Hazard Mitigation Plan was prepared in July 2010 to meet federal and state requirements for disaster preparedness to make the county eligible for funding and technical assistance from state and federal hazard mitigation programs. The plan includes a risk assessment to enable local jurisdictions to identify and prioritize appropriate mitigation actions that will reduce losses from potential hazards, including flooding, earthquakes,

fires, and man-made hazards. To address potential hazards, the plan then incorporates mitigation goals and objectives, mitigation actions and priorities, an implementation plan, and documentation of the mitigation planning process for each of the twenty-one participating jurisdictions, including the City of Oceanside.

California Disaster and Civil Defense Master Mutual Aid Agreement

As provided for in the California Emergency Services Act, this agreement was developed in 1950 and adopted by all 58 California counties. This statewide mutual aid system is designed to ensure that adequate resources, facilities, and other support is provided to jurisdictions whenever their own resources prove to be inadequate to cope with a given situation. San Diego County is located in Mutual Aid Region 6 of the state system, which also includes Imperial, Riverside, San Bernardino, Inyo, and Mono counties.

Oceanside Municipal Airport Land Use Compatibility Plan

The San Diego County Regional Airport Authority develops and adopts Airport Land Use Compatibility Plans (ALUCPs) for each public use and military airport within its jurisdiction. The Oceanside Municipal ALUCP, as amended in December 2010, provides policies to ensure compatibility with the airport and surrounding land uses. These policies span various topics including noise, overflight zones, and safety. The ALUCP is based upon the FAA approved Airport Layout Plan.

City of Oceanside General Plan

State of California Law requires that each city prepare and adopt an approved General Plan that provides comprehensive, long-term guidance for the City's future. General Plans are also required to contain specific elements regarding different areas of planning. Relevant elements are as follows:

Hazardous Waste Management Element

The Hazardous Waste Management Element serves as primary guidelines for policies as they relate to effective management of hazardous materials within the City of Oceanside's influence. This element emphasizes policies that minimize hazardous waste within the City and contains siting criteria for specified hazardous waste facilities.

Public Safety Element

The Public Safety Element identifies hazards, such as earthquakes, fires, and tsunamis, and provides guidance for proper mitigation measures, such as evacuation routes, to ensure safety. Along with long range policies regarding seismic, flooding, and fire hazards, this element also includes a Public Safety Plan. The Public Safety Plan includes maps of indicating areas that have increased susceptibility to these hazards and relocation routes during emergency evacuations.

4.8.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to hazards and hazardous materials are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to hazards would occur if the proposed project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. 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.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
4. Be located on a site that 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.
5. 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area.
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
7. Expose people or structures, either directly or indirectly, to a significant risk or loss, injury or death involving wildland fires.

4.8.4 Impacts Analysis

The impact analysis herein is based on the findings of the Phase I and Limited Phase II ESA prepared for the project (Appendix J). The purpose of the Phase I ESA was to identify, to the extent feasible and pursuant to the processes prescribed in ASTM International (ASTM) E1527-13,

recognized environmental conditions (RECs)[1], historical RECs (HRECs)[2], or controlled RECs (CRECs)[3] in connection with the project site.

Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction

Construction activities would entail routine transport of materials potentially hazardous to humans, wildlife, and sensitive environments. These materials include gasoline oil, solvents, cleaners, paint, and various other liquids and materials required for the operation of construction equipment. Direct impacts to human health and biological resources from transport, use, or disposal of these materials could occur as a result of project construction. However, existing federal and state standards are in place for the handling, storage, and transport of these materials and would be implemented during construction of the proposed project. These regulations include the Federal Chemical Accident Prevention Provisions (Part 68 of the Code of Federal Regulations); California Highway Patrol and California Department of Transportation container and licensing requirements for transportation of hazardous waste on public roads; the International Fire Code; the Resource Conservation and Recovery Act of 1976 as amended by the Hazardous and Solid Waste Amendments of 1984; California's Hazardous Waste Control Law; the California Fire Code; California Health and Safety Code Hazardous Materials Release Response Plans and Inventory; the California Integrated Waste Management Act; regulations developed by California Occupations Safety and Health Administration; and the state Hazardous Waste Control Act.

Additionally, standard best management practices included in the SWPPP required of the proposed project by the Construction General Permit (see Chapter 4.9, Hydrology and Water Quality), and associated hazardous materials handling protocols would be prepared and implemented to ensure the safe storage, handling, transport, use, and disposal of all hazardous materials during the construction phase of the proposed project. Therefore, potential impacts related to the routine transport, use, or disposal of hazardous materials during project construction is determined to be **less than significant**.

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1 RECs are defined, according to ASTM E1527-13 as: The presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not RECs (Appendix J).

2 HRECs are defined, according to ASTM E1527-13 as: A past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls.

3 CRECs are defined, according to ASTM E1527-13 as: A REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.

Operations

Residential uses are not typically associated with the transport, use, or disposal of hazardous materials. Household goods used by residential homes that contain toxic substances are usually low in concentration and small in amount. Therefore, there is no significant risk to humans or the environment from the use of such household goods. Residents are required to dispose of household hazardous waste, including pesticides, batteries, old paint, solvents, used oil, antifreeze, and other chemicals, at a Household Hazardous Waste Collection Facility. Also, as of February 2006, fluorescent lamps, batteries, and mercury thermostats can no longer be disposed in the trash. Furthermore, the transport, use, and disposal of hazardous materials are fully regulated by the EPA, State of California, San Diego County, and/or the City. With mandatory regulatory compliance, potential hazardous materials impacts associated with long-term operation of the project would be **less than significant**.

Would the project 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?

Construction

As described above, construction of a residential development on the project site would entail transport, use, or disposal of potentially hazardous materials including but not limited to, diesel fuel, gasoline, equipment fluids, concrete, cleaning solutions and solvents, lubricant oils, adhesives, human waste, and chemical toilets. Spill or upset of these materials could have the potential to significantly impact surrounding land uses; however, federal, state, and local controls have been enacted to reduce the effects of such potential hazardous materials spills. The Oceanside Fire Department enforces city, state, and federal hazardous materials regulations for the City. City regulations include spill mitigation, and containment and securing of hazardous materials containers to prevent spills. Compliance with these requirements is mandatory as standard permitting conditions and would minimize the potential for the accidental release or upset of hazardous materials, thus ensuring public safety. Therefore, compliance with the above requirements such as Cal/OSHA requirements, the Hazardous Waste Control Act, CalARP Program, and the California Health and Safety Code would ensure potential impacts related to the release of hazardous materials would be **less than significant**.

Operations

As stated above, residential uses are not typically associated with the transport, use, or disposal of hazardous materials. Residents are required to dispose of household hazardous waste at a Household Hazardous Waste Collection Facility. In addition, operations would be required to comply with EPA, State of California, San Diego County, and/or the City regulations pertaining to household wastes.

With mandatory regulatory compliance, potential hazardous materials accidental release impacts associated with long-term operation of the project would be **less than significant**.

Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project site is not located within 0.25 mile of an existing or proposed school. Foussat Elementary School is within 0.5 mile, located northeast of the proposed project location. As stated above, residential uses are not typically associated with the transport, use, or disposal of hazardous materials. Construction activities would comply with the above requirements such as Cal/OSHA requirements, the Hazardous Waste Control Act, CalARP Program, and the California Health and Safety Code. Compliance with these requirements is mandatory and would minimize the potential for the accidental release of hazardous materials; therefore, impacts to schools as a result of project implementation is determined to be **less than significant**.

Would the project be located on a site that 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?

The Phase I and Limited Phase II ESAs (Appendix J) has revealed no evidence of recognized environmental conditions (RECs), historical RECs (HRECs), or controlled RECs (CRECs) in connection with the property with the exception of the following:

- Agricultural uses on the site from 1953 to 1967, which is a potential REC for the Site.

Based on the findings of the Phase I ESA, a Limited Phase II ESA (Appendix J) was prepared due to the site's historical use for agricultural purposes, which may have potentially contaminated soils with OCPs and/or arsenic. The Phase II ESA analyzed soil samples and the results indicate one of 16 samples detected organochlorine pesticides (OCPs), but the concentration was far below the U.S. EPA Regional Screen level for residential soil. Arsenic was detected in 4 of 16 samples, with the maximum concentration detected being below the DTSC's Southern California Regional Background Concentration for residential soil. The results of the soil samples determined that no significant risks or hazards are anticipated due to the concentrations of chemicals detected during this investigation.

Additionally, the project site was not identified on the "Cortese" Hazardous Waste and Substances Sites List (Cortese)/Historical Cortese (HIST Cortese) databases (Appendix J). The Phase I and Limited Phase II ESAs prepared for the project site determined that the site does not warrant listing. Therefore, implementation of the proposed project would result in **less than significant** impacts related to hazardous materials sites.

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 or excessive noise for people residing or working in the project area?

The nearest airports are the Oceanside Municipal Airport, located approximately 1.2 miles southwest of the proposed project, and the McClellan-Palomar Airport, located approximately 8 miles southeast of the proposed project. The project is located outside of the safety zones for both airports (ALUC 2010).

The project is located within the north area of Review Area 2 for the Oceanside Municipal Airport (ALUC 2010). Review Area 2 consists of locations beyond Review Area 1 but within the airspace protection and/or notification overflight areas. Limits on the heights of structures, particularly in areas of high terrain, are the only restrictions on land uses within Review Area 2 and the proposed building height does not conflict with these restrictions. As a new residential project in this area, an airport overflight notification would be required to be provided to future residents as part of standard City conditions. The project would be constructed in compliance with requirements of the Airport Land Use Commission for Oceanside Municipal Airport. Therefore, although the project is located within two miles of a public airport, impacts related to an airport safety hazard or excessive airport noise is determined to be **less than significant**.

Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The adopted emergency plans applicable to the project area consists of the Multi- Jurisdictional Hazard Mitigation Plan for San Diego County (County of San Diego 2018a) the San Diego County Emergency Operations Plan (County of San Diego 2018b) and the City's Emergency Operations Plan (City of Oceanside 2016). In addition, the City has developed a tsunami evacuation map (City of Oceanside n.d.a).

The Multi-hazard Mitigation Plan is a countywide plan that identifies risks and ways to minimize damage by natural and manmade disasters. The plan is a comprehensive resource document that serves many purposes such as enhancing public awareness, creating a decision tool for management, promoting compliance with State and Federal program requirements, enhancing local policies for hazard mitigation capability, and providing inter-jurisdictional coordination. The project would not impair implementation of the Multi-hazard Mitigation Plan.

The 2016 Emergency Operations Plan was adopted by City Council on March 15, 2017. The City's Emergency Operations Plan describes a comprehensive emergency management system which provides for a planned response to disaster situations associated with natural disasters, technological incidents, terrorism and nuclear-related incidents. It delineates operational concepts relating to various emergency situations, identifies components of the Emergency Management

Organization, and describes the overall responsibilities for protecting life and property and assuring the overall well-being of the population. The plan also identifies the sources of outside support which might be provided (through mutual aid and specific statutory authorities) by other jurisdictions, state and federal agencies and the private sector.

As discussed in Chapter 4.9, Hydrology and Water Quality, the coast of the City is within a tsunami inundation area. As a part of the City's Emergency Operations Plan, the City developed a tsunami evacuation map (City of Oceanside n.d.a). This City map shows the project site located outside of the tsunami evacuation area for the City. Evacuation routes shown on the tsunami evacuation map (City of Oceanside n.d.a), and the project would not interfere with any evacuation routes identified on the tsunami evacuation map. As the project is not within the identified evacuation area and is not near any roads used for evacuation routes, the project would not impede implementation of this plan or the associated tsunami evacuation plan.

The proposed project would provide two access points for emergency responders: one entrance from the south of the site via Los Arbolitos Boulevard (from El Camino Real), and one from the east of the site via Aspen Street. The proposed project would not require the full closure of any public or private streets or roadways during construction or operations and would not impede access of emergency vehicles to the project or any surrounding areas. During the proposed sidewalk improvements to Aspen Street, including extending the curb, gutter, and sidewalk on both sides of the street leading to the project site with ADA-accessible corner curbs, the project would implement a traffic control plan to ensure continued access through the area. This traffic control plan is a standard City requirement and a condition of approval required for projects that involve improvements with within a right-of-way or access easement and would be subject to approval by the City Traffic Engineer. Further, the project would provide all required emergency access in accordance with the requirements of the Oceanside Fire Department, as detailed in Chapters 4.13 Public Services and 4.15 Traffic and Circulation.

Overall, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, impacts are determined to be **less than significant**.

Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

According to the California Department of Forestry and Fire Protection's (CAL FIRE's) Very High Fire Hazard Severity Zones in LRA (Local Responsibility Area) map, the project site is not located within or adjacent to a Very High Fire Hazard Severity Zone (CAL FIRE 2009). The project site is located within an urbanized and developed area of the City. Although the project site borders the San Luis Rey River, this wildland is not in an area where there is risk for wildfire.

Therefore, impacts are determined to be **less than significant**. Please refer to Chapters 4.13 Public Services and 4.18 Wildfire, of this EIR, for a detailed discussion on fire service and wildfire risk.

4.8.5 Mitigation Measures

No impacts to hazards and hazardous materials were identified; thus, no mitigation measures are required.

4.8.6 Level of Significance After Mitigation

As discussed above, the project site is currently undeveloped and is not listed on any hazardous materials sites/databases. Furthermore, construction and operation of a residential development on the project site is not expected to result in the transport, release, or disposal of any significant hazardous materials. No impacts to hazards and hazardous materials were identified; thus, no mitigation measures are required. Impacts related to hazards and hazardous materials would be **less than significant**.

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4.9 HYDROLOGY AND WATER QUALITY

This section describes the existing hydrology and water quality conditions of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Cypress Point project (proposed project) in the City of Oceanside (City). The following analysis is based on the Cypress Point Subdivision Drainage Study and Storm Water Quality Management Plan (SWQMP) that were prepared for the proposed project by Omega Engineering Consultants in 2021, and are included as Appendix H and Appendix M of this EIR.

4.9.1 Existing Conditions

Hydrologic Setting

The proposed project is located in northwestern Oceanside. The existing site is a bare, vacant lot with several feet of artificial fill. No drainage improvements currently exist on the site, and the site receives run-on from areas to the east of the site.

The San Luis Rey Hydrological Unit covers a drainage area of approximately 560 square miles. Elevations within this hydrologic unit range from over 4,300 feet to sea level (City of Oceanside 2021a). Average annual precipitation ranges from roughly 10 inches along the coastal region (the project area) to 45 inches in the mountainous area. The project area is within the Coastal Subbasin of the San Luis Rey Hydrologic Unit, which contains the San Luis Rey River. The Coastal Subbasin boundaries extend from the mouth of the San Luis Rey River at the Pacific Ocean to Rice Canyon, approximately 1 mile east of Interstate 15 (I-15). It is the third largest subbasin of the San Luis Rey Hydrologic Unit and is the most populated, containing the cities of Oceanside, Vista, Bonsall, and portions of Fallbrook (from west to east) residing within its boundaries. The lower elevations and southern/western portions, including the project area, of the subbasin are mostly urban/residential, commercial, and light industrial areas.

The San Luis Rey River has been channelized and altered over time. Surface water flows consist of surrounding tributaries supplied by intermittent releases from the Henshaw Dam and surfacing groundwater in the confluence of Couser Canyon Creek. Within the city of Oceanside, the San Luis Rey is fed by its main tributary, Pilgrim Creek, and Henshaw Dam, and the Escondido Canal diversion dam are the primary hydrologic controls of the river (City of Oceanside 2021a). The San Luis Rey River runs adjacent to the northern and western project boundary.

Surface Water Quality

The San Luis Rey River is listed on the State Water Resources Control Board's (SWRCB) 303(d) list of impaired water bodies, as shown below in Table 4.9-1. Under Section 303(d) of the Clean

Water Act (CWA), states are required to develop lists of water bodies that would not attain water quality objectives after implementation of required levels of treatment by point-source dischargers (municipalities and industries). Section 303(d) requires that the state develop a total maximum daily load (TMDL) for each of the listed pollutants as a means to alleviate the impairments within water bodies' surface water.

Table 4.9-1
Downstream Water Quality Impairments

Water Body	Impairments	TMDLs
San Luis Rey River, Lower (west of Interstate 15)	Chloride	Est 2019
	Enterococcus	Est 2021
	Fecal Coliform	Est 2021
	Phosphorus	Est 2021
	Total Dissolved Solids	Est 2019
	Total Nitrogen as N	Est 2021
	Toxicity	Est 2021
Pacific Ocean Shoreline, San Luis Rey HU, at San Luis Rey River Mouth	Esterococcus	Est 2021

Source: Appendix H
Note: TMDL = total maximum daily load

As shown in Table 4.9-1 above, the San Luis Rey River (Lower) is impaired with various pollutants. Upstream agricultural uses, urban runoff, and storm sewers are the likely sources of these pollutants.

Groundwater

The project area overlies the San Luis Rey Valley Groundwater Basin within the Mission sub-basin. The San Luis Rey Basin underlies an east-west trending alluvium-filled valley located along the western coast of San Diego County. The major hydrologic feature is the San Luis Rey River, which drains the valley overlying the basin. The basin is bounded on the east, northeast, and southeast by the contact of alluvium with impermeable Mesozoic granitic and pre-Cretaceous metamorphic rocks. In the northwest and southwest of the lower portion of the basin, alluvium is in contact with semi-permeable Eocene marine deposits and Tertiary non-marine deposits. The basin is bounded on the west by the Pacific Ocean (DWR 2004).

The San Luis Rey Valley groundwater basin is recharged by precipitation, imported irrigation water applied on upland areas, and by storm flow in the San Luis Rey River and its tributaries. Movement of groundwater in the alluvial aquifer is westward towards the Pacific Ocean. Water levels in the basin declined drastically in the 1950s and 1960s due to groundwater development and over pumping. Since the advent of imported water sources, groundwater levels have risen to

near pre-development levels and averages range from 0 to 20 feet below land surface. The estimated total storage capacity for this basin is 240,000-acre feet (DWR 2004).

According to the City, approximately 15% of the city's water comes from groundwater within the Mission Basin (City of Oceanside 2021b). The brackish groundwater pumped from the Mission Basin is extracted and treated at the Mission Basin Groundwater Purification Facility to become potable water through a reverse osmosis desalting process (City of Oceanside 2021b). The City purchases the remaining 85% of the city's water supply from the San Diego County Water Authority (SDCWA), which includes approximately half treated water and half raw water. Treated imported water is conveyed directly to the City's water distribution system, while untreated imported water is conveyed to the Robert A. Weese Filtration Plant, which serves at a capacity of 25 million gallons per day (mgd).

Flood Zone

The project site is in a Special Flood Hazard Area, as designated by the Federal Emergency Management Agency (FEMA), as seen in Flood Insurance Rate Map (FIRM) map number 06073C0752H. The entire project site is within an A99 designation, which is defined as "Areas subject to inundation by the 1-percent-annual-chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes." (FEMA 2020). A 1% annual chance of flooding is also known as a 100-year flood. Mandatory flood insurance requirements and floodplain management standards and regulations apply to all parcels located within Zone A99.

Dam Inundation

According to the City's General Plan Public Safety Element, the areas of the city that would be inundated from the Henshaw Lake Dam include the areas surrounding the San Luis Rey River (City of Oceanside 2002). The project site is within the designated dam inundation area for the Lake Henshaw Dam. Located approximately 34 miles east of the project site, this dam was built in 1923 by the Vista Irrigation District with a capacity of 203,581-acre feet but generally contains water levels between 3,000- and 5,000-acre feet (City of Oceanside 2002).

Tsunami Inundation

The project site does not lie within the tsunami inundation area for the City of Oceanside (Cal EMA 2009).

4.9.2 Regulatory Setting

Federal

Clean Water Act

The U.S. Environmental Protection Agency (EPA) regulates water quality under the Clean Water Act (CWA) (also known as the Federal Water Pollution Control Act). Enacted in 1972, and significantly amended in subsequent years, the CWA is designed to restore and maintain the chemical, physical, and biological integrity of waters of the United States. The CWA provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES). The NPDES program characterizes receiving water, identifies harmful constituents, targets potential sources of pollutants and implements a comprehensive stormwater management program. Construction and industrial activities are typically regulated under statewide general permits that are issues by the State Water Resources Control Board (SWRCB). The Regional Water Quality Control Board (RWQCB) also issues waste discharge requirements that serve as NPDES permits under the authority delegated to the RWQCBs under the CWA.

The CWA requires NPDES permits for the discharge of pollutants to waters of the United States from any point source. In 1987, the CWA was amended to require that the EPA establish regulations for permitting of municipal and industrial stormwater discharges under the NPDES permit program. In November 1990, Phase I of the urban runoff management strategy, the EPA published NPDES permit applicant requirements for municipal, industrial, and construction stormwater discharges. These requirements are implemented through permits issued by the SWRCB or the local RWQCB in which the project is located (California RWQCB San Diego Region, herein San Diego RWQCB) and/or the governing municipality where the project is located.

The EPA delegated its responsibility for administration of portions of the Clean Water Act to state and regional agencies. The Clean Water Act requires states to adopt water quality standards for receiving water bodies and to have those standards approved by the EPA. Water quality standards consist of designated beneficial uses for a particular receiving water body (e.g., wildlife habitat, agricultural supply, fishing), along with water quality criteria necessary to support those uses. Water quality criteria are prescribed concentrations or levels of constituents, such as lead, suspended sediment, and fecal coliform bacteria, or narrative statements that represent the quality of water that supports a particular use.

National and State Safe Drinking Water Acts

The federal Safe Drinking Water Act, established in 1974, is administered by the EPA and sets drinking water standards throughout the country. The drinking water standards established in the

act, as set forth in the Code of Federal Regulations (CFR), are referred to as the National Primary Drinking Water Regulations (Primary Standards; 40 CFR 141), and the National Secondary Drinking Water Regulations (Secondary Standards; 40 CFR 143). According to the EPA, the Primary Standards are legally enforceable standards that apply to public water systems. The Secondary Standards are non-enforceable guidelines regulating contaminants that may cause cosmetic or aesthetic effects in drinking water. The EPA recommends the Secondary Standards for water systems but does not require systems to comply. California passed its own Safe Drinking Water Ac in 1986 that authorizes the state's Department of Health Services to protect the public from contaminants in drinking water by establishing maximum contaminant levels (as set forth in the California Code of Regulations (CCR), Title 22, Division 4, Chapter 15) that are at least as stringent as those developed by the EPA, as required by the federal Safe Drinking Water Act.

Federal Antidegradation Policy

The Federal Antidegradation Policy (40 CCR 131.12) requires states to develop statewide antidegradation policies and identify methods for implementing them. Pursuant to this policy, state antidegradation policies and implementation methods shall, at a minimum, protect and maintain: (1) existing in-stream water uses; (2) existing water quality where the quality of the waters exceeds levels necessary to support existing beneficial uses, unless the state finds that allowing lower water quality is necessary to accommodate economic and social development in the area; and (3) water quality in waters considered an outstanding national resource. State permitting actions must be consistent with the Federal Antidegradation Policy.

State

California Toxics Rule

Because of gaps in California's regulations, the EPA promulgated the California Toxics Rule (40 CCR131.38), which established numeric water quality criteria for certain toxic substances in California surface waters. The California Toxics Rule establishes acute (i.e., short-term) and chronic (i.e., long-term) standards for water bodies that are designated by the San Diego RWQCB as having beneficial uses protective of aquatic life or human health. The California Toxics Rule criteria are appliable to the receiving waters from the project site.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) established the principal California legal and regulatory framework for water quality control. The Porter-Cologne Water Quality Control Act is embodied in the California Water Code. The California Water Code authorizes the State Water Resources Control Board (SWRCB) to implement the provisions of the CWA.

California is divided into nine regions governed by RWQCBs. The RWQCBs implement and enforce provisions of the California Water Code and the CWA under the oversight of the SWQCB. The project site is located in Region 9, also known as the San Diego Region, and is governed by the San Diego RWQCB.

Each RWQCB must formulate and adopt a water quality control plan for its region. The San Diego RWQCB has adopted and periodically amends a water quality control plan titled Water Quality Control Plan for the San Diego Basin (Basin Plan). The San Diego RWQCB Basin Plan must conform to the policies set forth in the Porter-Cologne Act as established by the SWQCB in its state water policy. The Porter-Cologne Act also provides the RWQCBs with authority to include within their basin plans water discharge prohibitions applicable to particular conditions, areas, or types of waste.

Section 303(d)—TMDLs

The CWA requires states to publish, every 2 years, an updated list of streams and lakes that are not meeting their designated uses because of excess pollutants (i.e., impaired water bodies). The list, known as the Section 303(d) list, is based on violations of water quality standards. Once a water body has been deemed impaired, a TMDL must be developed for the impairing pollutant(s). A TMDL is an estimate of the total load of pollutants from point, non-point, and natural sources that a water body may receive without exceeding applicable water quality standards (plus a margin of safety). Once established, the TMDL allocates the loads among current and future pollutant sources to the water body. Targets utilized in the TMDL do not establish new water quality objectives and are not enforceable against dischargers. Allocations made to point sources are implemented primarily through NPDES permits, particularly the MS4 permit as well as the General Industrial Permit and Construction General Permit. Additionally, once a TMDL is developed and adopted into a basin plan, the water body is removed from the Section 303(d) list.

States are required to submit the Section 303(d) list and TMDL priorities to the EPA for approval. The 2014 Section 303(d) list is the most recently adopted list (SWRCB 2014). The 2014 Section 303(d) list was adopted by the SWRCB and approved by the EPA on October 3, 2017. The project site borders the San Luis Rey River, which is identified on the 2014 303(d) list as an impaired water body.

NPDES Permits

In California, the SWRCB and its RWQCBs administer the NPDES permit program. The NPDES permits cover all construction and subsequent drainage improvements that disturb 1 acre or more, industrial activities, and municipal separate storm drain systems. Construction and industrial activities are typically regulated under statewide general permits that are issued by the SWRCB.

The SWRCB also issued a statewide general small MS4 stormwater NPDES permit for public agencies that fall under that Phase II NPDES regulations.

The NPDES permit system was established in the CWA to regulate both point source discharges (a municipal or industrial discharge at a specific location or pipe) and nonpoint source discharges (diffused runoff of water from adjacent land uses) to surface waters of the United States. For point source discharges, each NPDES permit contains limits on allowable concentrations and mass emission of pollutants contained in the discharge. For nonpoint source discharges, the NPDES program establishes a comprehensive stormwater quality program to manage urban stormwater and minimize pollution of the environment to the maximum extent practicable. The NPDES program consists of characterizing receiving water quality, identifying harmful constituents, targeting potential sources of pollutants, and implementing a comprehensive stormwater management program.

The reduction of pollutants in urban stormwater discharge to the maximum extent practicable through the use of structural and nonstructural BMPs is one of the primary objectives of the water quality regulations for MS4s. BMPs typically used to manage runoff water quality include controlling roadway and parking lot contaminants by installing filters with oil and grease absorbents at storm drain inlets, cleaning parking lots on a regular basis, incorporating peak-flow reduction and infiltration features (e.g., grass swales, infiltration trenches, and grass filter strips) into landscaping, and implementing educational programs.

Local

San Diego Basin Plan

The Basin Plan sets forth water quality objectives for constituents that could potentially cause an adverse effect or impact on the beneficial uses of water. Specifically, the San Diego Basin Plan is designed to accomplish the following:

- Designate beneficial uses for surface water and groundwater;
- Set the narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's anti-degradation policy;
- Describe the implementation programs to protect the beneficial uses of all waters within the region; and
- Describe surveillance and monitoring activities to evaluate the effectiveness of the Basin Plan.

The Basin Plan incorporates by reference all applicable SWRCB and RWQCB plans and policies.

Regional MS4 Permit

On May 8, 2013, the RWQCB approved a regional MS4 permit for San Diego, southern Orange, and southwest Riverside Counties (Order No. R9-2013-0001). Order No. R9-2013-0001 has been subsequently amended by Order Nos. R9-2015-0001 and R9-2015-0100. The region-wide NPDES Permit (commonly referred to as the Regional MS4 Permit) sets the framework for municipalities, such as the City of Oceanside, to implement a collaborative watershed-based approach to restore and maintain the health of surface waters. The Regional MS4 Permit requires development of Water Quality Improvement Plans (WQIPs) that will allow the City of Oceanside (and other watershed stakeholders) to prioritize and address pollutants through an appropriate suite of BMPs in each watershed.

The project lies within the San Luis Rey Watershed Management Area, and the City of Oceanside is one of the responsible municipalities for the watershed's WQIP. The San Luis Rey Watershed WQIP was approved by the RWQCB on February 12, 2016.

City of Oceanside General Plan

The City of Oceanside's General Plan Community Facilities Element contains plans, policies, objectives, and goals related to stormwater system management. The overall objective for managing the City's drainage and stormwater system is:

- Objective: To provide adequate stormwater management facilities and services for the entire community in a timely and cost-effective manner, while mitigating the environmental impacts or construction of the storm drainage system as well as stormwater runoff.

The City of Oceanside works to achieve this objective through the following nine policies:

- **Policy 6.1:** The Master Drainage Plan for the City of Oceanside shall establish standards for citywide drainage. Within each major watercourse addressed by the Plan, the City and/or developers shall assure that adequate drainage improvements and facilities are provided to handle runoff when the drainage basin is fully developed to the intensity proposed by the Land Use Element of the General Plan.
- **Policy 6.2:** All new development in the City of Oceanside shall pay drainage impact fees to defray the development's proportionate share of drainage facilities serving the basin where the new development is located.
- **Policy 6.3:** The City shall continue to participate in the National Flood Insurance Program. Any development application for construction within the 100-year floodplain shall be reviewed to ensure that the project complies with flood protection measures required by the National Flood Insurance Program. For existing developed areas within the 100-year

floodplain, these same measures and standards shall be applied if City approval of substantial improvements or upgrades is sought.

- **Policy 6.4:** To the degree that it is economically feasible and consistent with sound engineering practices and maintenance criteria, the City shall discourage disruption of the natural landform and encourage the maximum use of natural drainage ways in new development. Non-structural flood protection methods, which avoid major construction programs such as channels and favor vegetative measures to protect and stabilized land areas, should be considered as an alternative to constructing concrete channels where feasible.
- **Policy 6.5:** The City shall locate and/or design new critical facilities to minimize potential flood damage from the 100-year flood. Such facilities include those that provide emergency response (hospitals, fire stations, police stations, civil defense headquarters, utility lines, ambulance services, and sewage treatment plants). Such facilities also include those that do not provide emergency response but attract large numbers of people, such as schools, theaters and other public assembly facilities.
- **Policy 6.6:** The City shall maintain public flood control channels and storm drains through dredging, repair, desilting, and clearing as needed to prevent any loss in effective use.
- **Policy 6.7:** The City shall require appropriate and sufficient screening, fencing, landscaping, open space setbacks, or other permanent mitigation or buffering measures between drainage way corridors and adjacent and surrounding land uses. The employed measures shall be of sufficient scope to minimize, to the maximum extent possible, negative impacts to adjacent surrounding land uses from the particular drainage way corridor.
- **Policy 6.8:** The City of Oceanside shall integrate required drainage planning efforts with linear open space amenities and trail corridors through the community, while addressing the issues of life safety, attractive nuisances, and long-term maintenance responsibility and costs.
- **Policy 6.9:** The City shall comply with the sections of the federal CWA in regard to stormwater drainage.

City of Oceanside Municipal Code

Chapter 40 of the City of Oceanside Municipal Code is known as the Urban Runoff Management and Discharge Control Ordinance. The overall intent of this ordinance is to "protect the health, safety, and general welfare of Oceanside residents; to protect water resources and to improve water quality; to cause the use of management practices by the city and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the city is compliant with applicable state and federal law" (City of Oceanside 2020). General provisions of the Urban Management and Discharge Control Ordinance include compliance with the current and applicable RWQCB discharge permits,

requirements for discretionary approvals subject to discharge control, development of Urban Runoff Standards Manuals, and designations for permitted use of collected stormwater.

4.9.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to hydrology and water quality are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to hydrology and water quality would occur if the proposed project would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
    i. result in substantial erosion or siltation on or off site;
    ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;
    iii. 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; or
    iv. impede or redirect flood flows.
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.9.4 Impacts Analysis

Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

The project is located within the San Luis Rey Hydrologic Unit (903), within the Lower San Luis Hydrologic Area (903.1) and the Mission Hydrologic Sub-Area (903.11) of the Water Quality Control Plan for the San Diego Basin (California Regional Water Quality Control Board 2016). Within this Hydrologic Sub-Area, downstream impaired 303(d) listed water bodies include the

Pacific Ocean Shoreline, San Luis Rey River Mouth impaired by enterococcus, total coliform, indicator bacteria; and San Luis Rey River and Lower Stream impaired by chloride, enterococcus, fecal coliform, phosphorus, total dissolved solids, total nitrogen, toxicity, and indicator bacteria. Total Maximum Daily Loads (TMDLs) have been accordingly established to address these pollutants for these impaired water bodies. Considering the downstream waters are impaired by these pollutants, the potential pollutants of concern that may be generated by the project based on the proposed residential use are sediment, nutrients, organic compounds, trash and debris, oxygen demanding substances, bacteria and viruses, and pesticides.

In accordance with regulations, a SWQMP has been prepared to address the project's operational impacts to water quality and the potential pollutants of concern. According the SWQMP, hydromodification management flow control structural BMPs are required for the proposed project. The SWQMP also notes that a point of compliance (POC1) is located in proximity to the project site at an outfall to a vegetated area adjacent to the San Luis Rey River. The project is not exempt from a hydromodification management plan (HMP), because the flow does not immediately drain into the river, but rather flows west approximately 0.5 mile before flowing into the river. Per the SWQMP, the project source control measures would include storm drain inlet stenciling to indicate water flows into the ocean, Integrated Pest Management program to reduce pesticide use, use efficient irrigation systems, fire sprinkler and rooftop equipment drainage to the sewer system, and regular sweeping of the site during construction. The project includes the installation of four biofiltration basins as a treatment control BMP. The project would be required to provide for ongoing implementation and maintenance of these features in accordance with the SWQMP. Implementation of the SWQMP and associated HMP source control measures, and BMPs would reduce potential operational impacts related to water quality standards or waste discharge requirements to less than significant levels.

Construction activities associated with the proposed project could result in wind and water erosion of the disturbed area leading to sediment discharges. Fuels, oils, lubricants, and other hazardous substances used during construction could be released and impact water quality. The proposed project is required to comply with the NPDES State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ for stormwater discharges and general construction activities, and incorporate standard BMPs such as regular cleaning or sweeping of construction areas and impervious areas, and runoff controls. In compliance with the Construction General Permit Order 2009-0009-DWQ, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared that specifies BMPs that would be implemented during construction to minimize impacts to water quality. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation.

Therefore, it is determined that construction and operational project impacts related to water quality standards or waste discharge requirements would be **less than significant**.

Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The proposed project would not use groundwater during construction or operation. According to the Geotechnical Report (Appendix F), no groundwater was encountered during the field exploration and it is assumed that the groundwater depth is located at a depth of approximately 17 feet below the ground surface. Although the proposed project would result in a change in amount of impervious groundcover on the project site, the proposed project would include pervious features that include tree wells, landscaping throughout the site, and vegetated biofiltration basins. About 26.6% of the project site would be comprised of permeable surface area, which is greater than the 22% minimum requirement for sites over one acre in size per Article 30 of the City's Zoning Ordinance. Due to the depth of groundwater and the proposed type of construction and surface water management, the project is not anticipated to decrease groundwater supplies or interfere with groundwater recharge in a manner that would impede sustainable groundwater management. Therefore, project impacts related to groundwater recharge would be **less than significant**.

Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. result in substantial erosion or siltation on or off site;

During construction, the project has potential to result in exposed soils or changes in runoff that could result in erosion or siltation. This potential impact would be minimized through the implementation of BMPs during construction in accordance with a SWPPP, as required by City regulations in conformance with the NPDES State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ (As amended by 2010-0014-DWQ and 2012-0006-DWQ). As the project is over one acre in size, the project would be subject to the General Permit Order and required to prepare a SWPPP and comply with the associated BMPs. Preparation of a SWPPP would also be required to obtain a grading permit for the project. Construction BMPs described in the SWPPP may include, but are not limited to, measures minimizing exposed soils, silt fencing, soil binders, street sweeping, hydroseeding soils, and using sandbags, check dams or berms during rain events to direct flows. Surface drainage during project construction would be controlled through implementation of the SWQMP and SWPPP, and in accordance with NPDES regulations and provisions of the City's Grading and Erosion Control Ordinances.

During operations of the project, the site surfaces would be covered by pavement or landscaping. The proposed residences would have a drainage system to collect roof runoff.

As described above, the project would be subject to operational BMPs and stormwater management strategies outlined in the project's SWQMP. Positive surface drainage would be provided to direct surface water on-site toward the street or suitable drainage facilities. Planters would be designed with provisions for drainage to the storm drain system. Surface runoff would be controlled in a manner to avoid erosion and sedimentation in accordance with regulations and the prepared SWQMP (Appendix M). Therefore, no substantial erosion or siltation on or off site is anticipated during operation.

For the reasons outlined above, construction nor operation of the proposed project would result in substantial erosion or siltation on- or off-site, and impacts would be **less than significant**.

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;

According to the Drainage Study performed by Omega Engineering, the project site is currently undeveloped with no permanent drainage improvements. Ground surface conditions consist of seasonal grasses and shrubs. On-site drainage is overland flow and concentrated natural flow. Runoff from the residential project area to the west flows onto the site at the dead-end of Aspen Street. It then flows across the site in a graded channel and enters a concrete drainage channel that runs along the east side of the site, discharging to a vegetated area adjacent to San Luis Rey River.

In the proposed condition, the project would collect and treat runoff prior to discharging from the site in accordance with stormwater regulations. Off-site runoff currently flows from Aspen Street and Pala Road and adjacent project areas. Private and public storm drains would intercept this flow and convey it though the site. Runoff would flow from on-site drainage would be collected and filtered at the four proposed biofiltration basins for the purpose of combined pollutant and hydromodification control.

The project's drainage study concludes that project improvements will result in an increase in peak runoff flowrate by approximately 15%. Although the project would lead to increased runoff, the amount generated is not anticipated to create adverse effects on the project site or downstream due to on-site operational management plans. The Drainage Study also calculates and concludes that the project site would not receive waters during the peak of a 100-year, 6-hour, storm event (Appendix H). Due to the designed drainage systems, the project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site and the impact would be **less than significant**.

iii) 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;

No permanent stormwater conveyances currently exist on the vacant project site. The existing on-site drainage is natural, as it occurs via overland flow and concentrated flow in earthen ditches. A graded ditch accepts runoff from the dead end of Aspen Street and conveys it west across the site to a concrete channel that borders the site. Runoff from the residential area to the west flows onto the project site at the dead-end of Aspen Street. It then flows across the project site in a graded channel and enters a concrete drainage channel that runs along the east side of the site, discharging to a vegetated area adjacent to the San Luis Rey River. Runoff from Pala road enters the site immediately south of the intersection of Los Arbolitos Boulevard and Pala Road. This runoff flows east across the undeveloped right-of-way and discharges to the same vegetated area as the on-site flows (Appendix H). The runoff then confluences with San Luis Rey River (Lower) approximately 1,600 feet south of the site (Appendix M).

In proposed conditions, on-site areas will surface drain to the proposed private streets, and then to one of four on-site biofiltration BMPs on-site. The BMPs will drain via a private storm drain system. Flow from off-site areas that drain to the project site would be intercepted and conveyed through the project site. Runoff from off-site tributary areas and on-site areas will confluence in the proposed storm drain under Pala Road and would be discharged via a 60-inch storm drain to a headwall located at the existing point of discharge southwest of the project site.

Stormwater treatment to meet water quality requirements include four bio-basins on the project site and storm water quality areas within the public right-of-way. On-site basins include one in the common area central to the project site and three along the southern edge of the project site. Additional stormwater management areas include the landscaped areas adjacent to the public street improvement areas to treat street runoff. As described above, the SWQMP designs stormwater quality measures to remove pollutants from runoff in compliance with the City BMP Manual.

The existing municipal storm drain system has sufficient conveyance capacity to accept the proposed runoff from the site that will be reduced by the four proposed on-site biofiltration basins. The Drainage Study performed by Omega Engineering, calculates existing and proposed stormwater runoff conditions by reviewing time of concentration, peak intensity, and peak flowrate of stormwater. The study concludes that peak runoff at the project's discharge point would amount to 107.40 cubic feet per second (cfs); this represents an increase of 14.29 cfs over current conditions. Although there would be an overall increase in

runoff from the project site by approximately 15% due to project development, the Drainage Study calculates and anticipates no adverse impact as a result of the proposed development (Appendix H). As the project would not contribute runoff which would exceed existing capacity of storm drain facilities, impacts would be **less than significant**.

iv) impede or redirect flood flows?

The project site is located in an A99 Flood Zone, as designated by FEMA; these are defined as areas subject to inundation by the 1-percent-annual-chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system.

As described above, no permanent stormwater conveyances currently exist on the vacant project site. The existing on-site drainage is natural, as it occurs via overland flow and concentrated flow in earthen ditches. A graded ditch accepts runoff from the dead end of Aspen Street and conveys it west across the site to a concrete channel that borders the site. Runoff from the residential area to the west flows onto the project site at the dead-end of Aspen Street. It then flows across the project site in a graded channel and enters a concrete drainage channel that runs along the east side of the site, discharging to a vegetated area adjacent to the San Luis Rey River. Runoff from Pala road enters the site immediately south of the intersection of Los Arbolitos Boulevard and Pala Road. This runoff flows east across the undeveloped right-of-way and discharges to the same vegetated area as the on-site flows (Appendix H). The runoff then confluences with San Luis Rey River (Lower) approximately 1,600 feet south of the site (Appendix M). In proposed conditions, on-site areas will surface drain to the proposed private streets, and then to one of four on-site biofiltration BMPs on-site. The BMPs will drain via a private storm drain system. Flow from off-site areas that drain to the project site would be intercepted and conveyed through the project site. Runoff from off-site tributary areas and on-site areas will confluence in the proposed storm drain under Pala Road and would be discharged via a 60-inch storm drain to a headwall located at the existing point of discharge southwest of the project site.

Due to new impervious surfaces on-site, the project would generate additional stormwater runoff that would be managed with engineering methods described above, implementation of the SWPPP and the SWQMP. There would be an overall increase in peak runoff on the project area during the post development condition that would enter existing and proposed infiltration basins. Stormwater runoff would eventually reach the San Luis Rey River as in the existing condition. However, the proposed stormwater drainage system would be equipped with a 60” storm drain with an invert that would be installed below the 100-year flood elevation per the FEMA Flood Profile for the San Luis River (point of stormwater discharge). Furthermore, the project is designed to import several feet of fill to raise the site above the 100-year flood elevation; the site will also be regraded to generate a gradual

slope of 0.5% to the south to accommodate sufficient drainage conditions. Overall, project impacts would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows and impacts would **be less than significant**.

In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

According to the FEMA Flood Insurance Rate Map (FIRM) for this site, the project is located in A99 designation, which is a Special Flood Hazard Area within a 100-year floodplain. The site is bordered by the San Luis Rey River, which could pose a seiche hazard to the project considering the river's elevation and distance relative to the project site. The project site is also within the designated dam inundation area for the Lake Henshaw Dam. However, the proposed project would import several feet of fill to raise the site above the 100-year flood elevation. According to the Tsunami Inundation Map for Emergency Planning Oceanside Quadrangle the property is not located within the inundation area (CalEMA 2009). For these reasons, it is determined that significant impacts related to the release of pollutants due to project inundation would not occur. Project impacts related to the potential release of pollutants due to project inundation would be **less than significant**.

Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The project site is located within the San Luis Rey Watershed Water Quality Improvement Plan (WQIP) area. The goal of the WQIP is to protect, preserve, enhance, and restore water quality of receiving water bodies (City of Oceanside et al. 2016). These improvements in water quality would be accomplished through an adaptive planning and management process that identifies the highest priority water quality conditions within the watershed and implementation strategies. The project is consistent with these goals by complying with the regulations as described below.

The Sustainable Groundwater Management Act has enacted sustainable groundwater management requirements. In San Diego County, there are four basins that meet the criteria as medium-priority and are subject to this regulation: Borrego Valley, San Diego River Valley, San Luis Rey Valley and San Pasqual Valley. While the site is located near the San Luis Rey River corridor, the project does not fall within the area of the San Luis Rey Valley that is considered a medium-priority basin category that requires a Groundwater Sustainability Plan (California Department of Water Resources 2019). Currently there is no adopted sustainable groundwater management plan applicable to the project site. The project does not involve the use or extraction of groundwater; the project would not significantly impact groundwater quality due to proposed engineering

methods and regulatory compliance, as discussed above. Thus, the project would not conflict with a sustainable groundwater management plan.

The SWQMP prepared for the project was based on requirements set forth in the Regional Water Quality Control Board's National Pollutant Discharge Elimination System MS4 Permit that covers the San Diego Region (Order No. R9-2013-0001). The storm water quality design was also prepared in accordance with the City's Best Management Plan (BMP) Design Manual. The project would include appropriate BMPs to reduce water quality pollutant impacts of concern during construction and operations Furthermore, the project would be required to adhere to a project specific SWPPP during construction, which would satisfy the requirements set forth by NPDES State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ. Overall, the project would comply the San Luis Rey Watershed Water Quality Improvement Plan and would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan impacts. The project would be in compliance with all applicable regulations outlined in Section 4.9.2 above, and impacts are determined to be **less than significant**.

4.9.5 Mitigation Measures

Impacts related to hydrology and water quality as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.9.6 Level of Significance After Mitigation

No substantial impacts related to hydrology and water quality were identified; therefore, no mitigation measures are required. Impacts related to hydrology and water quality would be **less than significant**.

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4.10 LAND USE AND PLANNING

This section describes the existing land use and planning conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Cypress Point Project (proposed project).

4.10.1 Existing Conditions

Existing Uses

The proposed project site consists of a vacant parcel (APN 158-301-46) and includes approximately 7.3 acres located in the San Luis Rey Neighborhood Area of the City of Oceanside, California. The proposed project site is located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersections in the northern portion of the City of Oceanside. Majority of the property has been previously disturbed by land development on adjacent parcels. The property has been impacted by previous grading and the construction of two man-made drainage trenches and dirt paths. The residents of adjacent neighborhoods currently use the project site as an extension of the adjacent City designated open space area to the west of the project site, for dog walking, passive recreation, and access to the San Luis Rey River corridor and associated trail.

The topography of the project site is generally flat and roughly rectangular with a gentle slope towards the southwest end of the project site. Elevations vary between approximately 48 feet above mean sea level to approximately 50 feet above mean sea level. A portion of the northwest corner of the project site is included in the City's Draft Subarea Plan hardline preserve.

The property is zoned RS-Single family residential, corresponding with the City of Oceanside's General Plan designation of SFD-R. The purpose of the RS Single-Family Residential District is to provide opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. Duplexes, triplexes, and fourplexes existing as of the effective date of this ordinance are allowed to remain, but all new residential construction shall be single-family dwellings or approved accessory structures (except as otherwise noted in Section 1030). In the RS District, the base density is 3.6 dwelling units per gross acre and the maximum potential density in 5.9 dwelling units per gross acre.

Surrounding Areas

The project site is located in a residential area and is surrounded by existing development and major roads within the City of Oceanside. Surrounding areas to the project site are zoned open space (to the north and west of the project site), and a variety of residential zones, including RS (Single-Family Residential District), RM-A (Medium Density A District), RM-B (Medium Density B District), and RH (High-Density Residential District) in the adjacent neighborhoods (to

the east and south of the project site). The property is located adjacent to the San Luis Rey (SLR) River flood channel and SLR trail/bikeway along the top of the flood channel berm, approximately 0.9 mile north of State Route 76 Highway and approximately 0.5 mile southeast of Camp Pendleton. Commercial zones are located alongside Highway 76, less than a mile south of the project site. Please refer to Figure 2-3, Zoning Designations in Chapter 2, Environmental Setting, of this EIR.

4.10.2 Regulatory Setting

State

California Planning and Zoning Law

The legal framework under which California cities and counties exercise local planning and land use functions is set forth in California Planning and Zoning Law, Government Code Sections 65000-66499.58. Under State planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements include the inclusion of seven mandatory described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures.

Regional

San Diego Association of Governments

The Regional Comprehensive Plan (RCP), adopted in 2004 by the San Diego Association of Governments (SANDAG), laid out key principles for managing the region's growth while preserving natural resources and limiting urban sprawl. The plan covered eight policy areas, including urban form, transportation, housing, healthy environment, economic prosperity, public facilities, our borders, and social equity.

In 2011, SANDAG approved the 2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS). This approval marked the first time SANDAG's RTP included a sustainable communities strategy, consistent with the Sustainable Communities and Climate Protection Act of 2008, also known as Senate Bill 375. This RTP/SCS provided a blueprint to improve mobility, preserve open space, and create communities, all with transportation choices to reduce greenhouse gas emissions and meet specific targets set by the California Air Resources Board (CARB) as required by the 2008 Sustainable Communities Act. In 2010, CARB established targets for each

region in California governed by a metropolitan planning organization. SANDAG is the metropolitan planning organization for the San Diego region.

The SANDAG target, as set by CARB, is to reduce the region's per capita emissions of greenhouse gas emissions from cars and light-duty trucks by 7% by 2020, compared with a 2005 baseline. By 2035, the target is a 13% per capita reduction. There is no target set beyond 2035. To achieve the 2020 and 2035 targets, SANDAG and other metropolitan planning organizations are required to develop a Sustainable Communities Strategy (SCS) as an element of its RTP. The SANDAG SCS integrates land use and transportation plans to achieve reductions in greenhouse gas emissions and meet the CARB-required targets.

On October 9, 2015, the SANDAG Board of Directors adopted San Diego Forward: The Regional Plan (Regional Plan). The Regional Plan combines the two previously described existing regional planning documents: the RCP and the RTP/SCS. The Regional Plan updates growth forecasts and is based on the most recent planning assumptions considering currently adopted land use plans, including the City's General Plan and other factors from the cities in the region and the County. SANDAG's Regional Plan will change in response to the ongoing land use planning of the City and other jurisdictions. For example, the City's General Plan, and other local General Plans of cities, may change based on General Plan amendments initiated by the jurisdiction or landowner applicants. The General Plan amendments may result in increases in development densities by amending the regional category designations or zoning classifications. Accordingly, SANDAG's RTP/SCS latest forecasts of future development in the San Diego region, including location, must be coordinated closely with each jurisdiction's ongoing land use planning because that planning is not static, as recognized by the need for updates to SANDAG's RTP/SCS every 4 years). The most recent regional plan is the 2019 San Diego Forward Federal Transportation Plan, which builds off the 2015 plan (SANDAG 2019). The 2021 Regional Plan is currently being prepared and is the long-term blueprint for the San Diego region that seeks to meet regulatory requirements, address traffic congestion, and create equal access to jobs, education, healthcare, and other community resources. The draft 2021 Regional Plan and its Draft Environmental Impact Report are expected to be released for public and policymaker review in Spring 2021, and the SANDAG Board of Directors will be asked to adopt the 2021 Regional Plan in fall 2021 (SANDAG 2021).

Local

City of Oceanside General Plan

The State of California requires each city to have a general plan to guide its future, and mandates that the plan be updated periodically to assure relevance and utility. The City of Oceanside (Oceanside) General Plan is the primary source of long-range planning and policy direction that is used to guide development within the city and serves as a policy guide for determining the

appropriate physical development and character of Oceanside. The plan is founded on the community's vision for the City of Oceanside and expresses the community's long-range planning goals. The Oceanside General Plan contains 10 elements: Land Use (adopted 1986), Circulation (adopted 2012), Recreational Trails (adopted 1996), Housing (adopted 2013), Environmental Resource Management (adopted 1975), Public Safety (adopted 1975), Noise (adopted 1974), Community Facilities (adopted 1990), Hazardous Waste Management (adopted 1990), and Military Reservation (adopted 1981) (City of Oceanside 1974, 1975a, 1975b, 1981, 1986, 1990a, 1990b, 1996, 2012, 2013). Each of the General Plan elements contains goals for the future of the City. In addition, the Land Use and Zoning Map Viewer depicts the planned land uses and zoning within the City of Oceanside, and the land use designations are described through policies within the General Plan (City of Oceanside 2021).

On May 8, 2019, the City Council adopted Phase I of the General Plan Update, which consisted of new General Plan elements including the Economic Development Element (April 2019) and the Energy Climate Action Element (May 2019), as well as the Climate Action Plan (CAP). Phase 2 of the General Plan Update will include updating the City's existing Land Use, Circulation, Housing, Conservation and Open Space, Community Facilities, Safety, and Noise elements. The Draft of Oceanside's 2021-2029 Housing Element was submitted for review by the California Department of Housing and Community Development in March 2021.

The release of five project background reports in June 2021 was the first technical step in the process of updating the City's General Plan and preparing the Smart and Sustainable Corridors Specific Plan. The background reports provide a comprehensive analysis of resources, trends, and concerns that will frame and guide choices for the long-term development of the City. These five background reports include, #1: Baseline Economic and Market Analysis; #2: Land Use and Community Resources; #3: Mobility; #4: Environmental Resources; and #5: Smart and Sustainable Corridors Background Report. These reports are available for review at the City's Onward Oceanside website here: https://onwardoceanside.com/.

Land Use Element

The Land Use Elements and Land Use Map identify the type of land uses that have been planned for within the City of Oceanside. The purpose of the Land Use Element is to describe present and planned land use activity that has been designed to achieve the community's long-range objectives for the future. The Land Use Element and Map identify the proposed general distribution, location, and extent of land uses such as industrial, commercial, residential, institutional, agricultural, open space, and community facilities. The element contains goals, objectives, policies, and implementation programs, along with maps and diagrams that outline the future land uses within the City of Oceanside. The element also provides direction related to how future development would occur, such as the intensity/density and character of new development.

Circulation Element

The purpose of the Circulation Element is to ensure that the Oceanside Master Transportation Plan and its implementation policies and programs would safely and efficiently accommodate the growth envisioned in the Land Use Element. The Oceanside Master Transportation Plan has been incorporated as a subsection to the Circulation Element and serves as the main policy tool, designating future road improvements, extensions, and special intersection design treatments.

Recreational Trails Element

The Recreational Trails Element provides provisions for, and maintenance of, pedestrian, bicycle, and equestrian trail systems throughout the City of Oceanside. The purpose of the Recreational Trails Element is to provide goals and objectives that would improve the operation and design of the City of Oceanside's trail system for bicycles, pedestrians, and equestrians.

Housing Element

The Housing Element is intended to identify and analyze the City of Oceanside's housing needs; establish reasonable goals, objectives, and policies based on those needs; and set forth a comprehensive 5-year program of actions to achieve the identified goals and objectives.

Environmental Resource Management Element

The Environmental Resource Management Element is a program designed to conserve natural resources and preserve open space. This element contains goals, objectives, and implementation strategies related to water, soil, erosion, and drainage; coastal preservation; minerals; vegetation and wildlife habitats; air quality; agricultural resources; cultural sites; and recreation and scenic areas.

Public Safety Element

The purpose of the Public Safety Element is to serve as a safety guide in the planning process to reduce loss of life, injury, property damage, and economic and soils dislocation resulting from fire hazards, flooding hazards, and seismic and geologic hazards and to promote civil disaster preparedness.

Noise Element

The Noise Element is composed of three sections: Introduction, Long-Range Policy Direction, and Noise Plan. In the Long-Range Policy Direction section, goals, objectives and policies are identified to address noise-related issues in the community. The goals and objectives are overall statements of the City of Oceanside's desires and comprise broad statements of purpose and direction. The policies serve as guides for reducing or avoiding adverse noise effects on residents.

Policies and plans in the Noise Element are designed to protect existing and planned land uses identified in the Land Use Element from excessive noise.

Community Facilities Element

The purpose of the Community Facilities Element is to provide overall direction for the provision of adequate public facilities necessary to serve the existing and future developed areas of the City of Oceanside in a coordinated and cost-effective manner. The element provides a comprehensive and current inventory of the City of Oceanside's community facilities; a summary of the conditions, capacities, and status of all public facilities serving the city; a system of objectives, policies, and standards to be used by the City of Oceanside for programming its primary public facilities; and a comprehensive improvement plan and program for community facilities through the year 2010 to serve projected land use development in the City.

Hazardous Waste Management Element

The Hazardous Waste Management Element provides health and safety measures that are necessary to protect citizens form the siting of hazardous waste facilities as required by California Health and Safety Code, Section 25199 et seq., in coordination with the San Diego County Hazardous Waste Management Plan, and to reduce the need for such facilities through the minimization of hazardous materials and wastes.

Military Reservation Element

The purpose of the Military Reservation Element is to acknowledge the direct physical, social, and economic linkages between the City of Oceanside and U.S. Marine Corps Base Camp Pendleton and to propose policies that would strengthen the bond between the community and the base.

Economic Development Element

The City of Oceanside has prepared an Economic Development Element (EDE) to establish, refine, and consolidate goals and policies that will inform future actions affecting the City's fiscal resources and the local economy. Addressing both municipal operations and the economic dynamics of the community at large, the EDE will provide direction to all City disciplines whose functions impact the City's financial resources and influence the economic circumstances and choices of the City's residents, property owners, business owners, workers, and visitors. These City disciplines include the Economic Development Division, the Development Services Department, the Public Works Department, the Property Management Division, the Housing Division, the Parks and Recreation Division, the Water Utilities Department, and the City's public safety apparatus. The EDE will guide these disciplines in fulfilling their respective missions in a manner supportive of the City's long-term fiscal and economic health (City of Oceanside 2019a).

Energy Climate Action Element

The Energy and Climate Action Element (ECAE) addresses energy consumption and other activities within the City of Oceanside that may contribute to adverse environmental impacts, with particular emphasis on those activities associated with human-induced climate change (City of Oceanside 2019b).

City of Oceanside Climate Action Plan

The City of Oceanside's (City) Climate Action Plan (CAP) (April 2019) seeks to align with state efforts to reduce greenhouse gas (GHG) emissions while balancing a variety of community interests: e.g., quality of life, economic development, and social equity. The CAP outlines the measures the Oceanside community will take to make progress towards meeting the State of California's 2050 GHG reduction goal. While federal and state measures are contributing significantly to GHG emissions reduction, climate action at the local level is essential in reducing global emissions to sustainable levels. In California, achieving the State's 2050 GHG reduction target will require local jurisdictions to complement state measures such as low-carbon fuel standards, vehicle fuel-efficiency standards, and the Cap-and-Trade Program. Reducing the City's carbon footprint requires both local government action as well as a commitment from residents, business owners, and others in the community to reduce their reliance on fossil fuels; pursue clean and renewable energy sources; reduce, reuse, recycle, and compost solid waste; conserve water and carefully manage the City's land resources.

Given that the vast majority of the City's GHG emissions are generated by activities in the private sector, the bulk of the GHG reduction measures outlined in the City's CAP address emissions associated with residential, commercial, industrial, and agricultural uses. Nevertheless, the City recognizes its role as an exemplar for the Oceanside community and is thus committed to reducing GHG emissions from municipal operations. Led by the Water Utilities and Public Works Departments, the City has already significantly reduced its GHG emissions through a variety of means, including methane (CH4) cogeneration, streetlight retrofitting, solar photovoltaic installation at numerous municipal facilities, solid waste diversion, energy efficiency retrofitting in municipal buildings, and the Green Oceanside campaign's community education programs. The City will continue to pursue GHG reduction in local government operations while encouraging emissions reduction in the community at-large through a combination of requirements, incentives, and community outreach efforts. As climate action planning continues to evolve, through advancements in climate science, technology, and public policy, the City's CAP will need to be periodically updated. These updates will be informed by new GHG emissions inventories, which will show how the City's emissions are trending and reveal which emissions reduction measures are most effective. In light of new information, and as new constraints and opportunities arise, the City will adjust its emissions reduction strategy to achieve state-aligned targets.

While the City is on track to meet its state-aligned emissions reduction targets for 2020 and 2030 without additional emissions reduction measures, it is understood that meeting long-term reduction targets requires aggressive action and that taking action now will better position the City to reach long-term reduction targets (City of Oceanside 2019c).

Oceanside Subarea Plan of the North County Multiple Habitat Conservation Plan (MHCP)

The MHCP is a comprehensive conservation planning process that addresses the needs of multiple plant and animal species in northwestern San Diego County (SANDAG 2003). The MHCP encompasses the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. Its goal is to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46%) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened, or endangered species.

The Oceanside Subarea Plan (City of Oceanside 2010) of the MHCP addresses how the City of Oceanside, California, would conserve natural biotic communities and sensitive plant and wildlife species pursuant to the California Natural Community Conservation Planning (NCCP) Act of 1991 and the California and U.S. Endangered Species Acts (CESA and ESA).

City of Oceanside Zoning Ordinance

The City of Oceanside's Zoning Ordinance is the primary implementation tool for the Land Use Element. The Zoning Ordinance and Zoning Map identify specific types of land use, intensity of land use, and development and performance standards applicable to specific areas and parcels of land within the City.

San Luis Rey Watershed Water Quality Improvement Plan

The project site is located within the San Luis Rey Watershed Water Quality Improvement Plan (WQIP) area. Agencies involved in the development of the San Luis Rey Water Quality Improvement Plan (WQIP) include the Cities of Oceanside and Vista, the County of San Diego, and the California Department of Transportation. The WQIP is a requirement of updated stormwater regulations adopted by the Regional Water Quality Control Board (Regional Board) according to Order No. R9-2013-0001, as amended by Order Nos. R9 2015-0001 and R9-2015-0100. The ultimate goal of the WQIP is to protect, preserve, enhance, and restore water quality of receiving water bodies. These improvements in water quality would be accomplished through an adaptive planning and management process that identifies the highest priority water quality conditions within the watershed and implements strategies to address them.

The San Luis Rey Water Quality Improvement Plan was originally submitted to the Regional Board on June 26, 2015, as required by the Municipal Permit. The WQIP was subsequently

revised and resubmitted in order to incorporate comments received from the public and the Regional Board. Following further comments, the Regional Board issued an acceptance letter for the San Luis Rey WQIP on February 12, 2016. As of April 2021, the stakeholders in the San Luis Rey Watershed are in process of updating the WQIP for the watershed. This process will include a re-evaluation of priority water quality conditions for the watershed and possible updates to strategies to address the priorities and metrics to demonstrate improvements over time (Project Clean Water 2021).

4.10.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to land use are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to land use would occur if the proposed project would:

1. Physically divide an established community.
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

4.10.4 Impacts Analysis

Would the project physically divide an established community?

As described above, the 7.3-acre project site is located in the San Luis Rey Neighborhood Area of the City. The proposed project site is located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersection. Majority of the property has been previously disturbed by land development on adjacent parcels to the north, east and south. The property has been impacted by previous grading, the construction of two man-made drainage trenches, and dirt paths.

The project site is surrounded by existing development and major roads within the City of Oceanside. Surrounding areas to the project site are zoned open space (to the north and west of the project site), and a variety of residential zones, including RS (Single-Family Residential District), RM-A (Medium Density A District), RM-B (Medium Density B District), and RH (High-Density Residential District) in the adjacent neighborhoods (to the east and south of the project site). The property is located adjacent to the San Luis Rey (SLR) River flood channel and SLR trail/bikeway along the top of the flood channel berm, approximately 0.9 mile north of State Route 76 Highway and approximately 0.5 mile southeast of Camp Pendleton. Commercial zones are located alongside Highway 76, less than a mile south of the project site. Please refer to Figure 2-3, Zoning Designations in Chapter 2, Environmental Setting, of this EIR.

The property is zoned RS-Single family residential, corresponding with the City of Oceanside's General Plan designation of SFD-R. Consistent with the designated land use, the project proposes

to develop 54 single-family units and associated amenities on the vacant project site located within an established residential area. Pala Road would provide the primary vehicular access to the proposed project from a proposed westerly extension of Pala Road at the southern edge of the project site. Secondary access to the project site would be available via Aspen Street, at the midpoint of the project on the east side. However, Aspen Street will be gated and closed at all times except in the event of an emergency; which would limit project-related daily vehicle use in- and out of the adjacent neighborhood to the east via Aspen Street. The project proposes sidewalk improvements to Aspen Street, including extending the curb, gutter, and sidewalk on both sides of the street leading to the project site with ADA-accessible corner curbs. Pedestrian access doors will be installed on both the Aspen Street and Pala Road sidewalks and closed to the general public. Both entries lead to the private road within the project site, with frontage for residences and guest parking (refer to Figure 3-1, Site Plan, in Chapter 3 of this EIR).

Proposed land uses and on- and off-site improvements would not impede access to any portion of the existing residential community to the east and south, and would not restrict access to the San Luis Rey River trail to the north and west. Considering the proposed project's location on a vacant parcel within the existing San Luis Rey Neighborhood Area, and land use consistency with the General Plan land use and zoning designations, it is determined that implementation of the proposed project would not physically divide an established community, and impacts would be **less than significant**.

Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project is subject to several local and regional plans intended to avoid environmental effects. Such local plans include the City's General Plan, and the Oceanside Subarea Plan of the North County Multiple Habitat Conservation Plan (MHCP). The applicable regional plans include the 2019 Federal Regional Transportation Plan, Regional Air Quality Plan, and San Luis Rey Watershed Water Quality Improvement Plan. The analysis herein outlines project consistency with these plans.

City of Oceanside General Plan

As outlined in Section 4.10.2 above, the City of Oceanside General Plan is the primary source of long-range planning and policy direction that is used to guide development within the city and serves as a policy guide for determining the appropriate physical development and character of Oceanside. The plan is founded on the community's vision for the City of Oceanside and expresses the community's long-range planning goals. New development within the City, including the proposed project, is subject to the goals and policies outlined in the City's General Plan Elements.

As mentioned above, the proposed project is consistent with the City's General Plan's land use designation and zoning for the project site. The project's consistency with the City's General Plan Elements goals, policies, and objectives is provided below in Table 4.10-1, City of Oceanside General Plan Consistency Evaluation. As outlined in Table 4.10-1, the project would not conflict with the goals, policies, and objectives of the City's General Plan.

City of Oceanside Zoning Ordinance

The City's Zoning Ordinance designates the project site RS (Single-Family Residential District). Article 10 of this Zoning Ordinance states that the Single-Family Residential District is intended to "provide opportunities for single-family residential land use in neighborhoods, subject to appropriate standards…all new residential construction shall be single-family dwellings or approved accessory structures (except as otherwise noted in Section 1030)" (City of Oceanside 1992). The project proposes to develop 54 single-family homes on a 7.3-acre project site. As the project proposes 8 low-income units, the Density Bonus Law requires the City to grant two incentives/concessions and unlimited waivers. The project is requesting waivers to the following development standards for a housing development: overall lot size, lot width, setbacks, lot front landscaping requirements, and fences and walls height and plantable retaining walls. As the proposed land uses are consistent with the City's zoning and general plan designation for the project site, project implementation would not conflict with the City's Zoning Ordinance.

Oceanside Subarea Plan of the North County (MHCP)

The Oceanside Subarea Plan (City of Oceanside 2010) of the MHCP addresses how the City would conserve natural biotic communities and sensitive plant and wildlife species pursuant to the California Natural Community Conservation Planning (NCCP) Act of 1991 and the California and U.S. Endangered Species Acts (CESA and ESA). Please refer to Chapter 4.3, Biological Resources, for more information regarding project consistency with this plan. In summary, the proposed project would be consistent with the biological resource avoidance and mitigation requirements set forth by this plan and would not result in a conflict with the Oceanside Subarea Plan.

San Luis Rey Watershed Water Quality Improvement Plan

The project site is located within the San Luis Rey Watershed Water Quality Improvement Plan (WQIP) area. The ultimate goal of the WQIP is to protect, preserve, enhance, and restore water quality of receiving water bodies. These improvements in water quality would be accomplished through an adaptive planning and management process that identifies the highest priority water quality conditions within the watershed and implements strategies to address them. The WQIP allows the City of Oceanside (and other watershed stakeholders) to prioritize and address pollutants through an appropriate suite of BMPs in each watershed. A Storm Water Quality Management Plan (SWQMP) was prepared for the proposed project based on requirements set

forth in the Regional Water Quality Control Board's National Pollutant Discharge Elimination System MS4 Permit that covers the San Diego Region (Order No. R9-2013-0001). The storm water design was prepared in accordance with the City's Best Management Plan (BMP) Design Manual. Please refer to Chapter 4.9, Hydrology and Water Quality for a detailed analysis and additional information. In summary, the proposed project is meeting these goals by complying with all local and regional water quality programs and policies that are intended to reduce water pollutants and control runoff in a manner to avoid impacts to downstream waters. Therefore, the project would not conflict with the San Luis Rey WQIP.

2019 Federal Regional Transportation Plan

The project site is located within the 2019 Federal RTP which is focused on improving the transportation system for the future of San Diego. These initiatives are addressed in more depth in Chapters 4.1, Air Quality, 4.7, Greenhouse Gas Emissions, and 4.15 Traffic and Circulation. In summary, the proposed project is consistent with the applicable objectives by protecting open space, encouraging multi-modal transportation, and promoting sustainable resources.

Regional Air Quality Plan

The project site is located within the San Diego Air Pollution Control District. Please refer to Section 4.1, Air Quality, for more information. In summary, the proposed project is consistent with this plan, as the project is consistent with the land use assumptions utilized to prepare the regional RAQs, and the project emissions would not exceed the SDAPCD thresholds.

In conclusion, it is determined that the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and project impacts related to land use would be **less-than-significant**.

4.10.5 Mitigation Measures

No impacts to land use were identified, and no mitigation measures are required.

4.10.6 Level of Significance After Mitigation

No impacts to land use were identified, and therefore no mitigation measures are required. Impacts related to land use would be **less than significant**.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
City of Oceanside General Plan			
Land Use Element			
1.1 Community Values Objective	To ensure the enhancement of long term community and neighborhood values through effective land use planning.	The project would be consistent with the City of Oceanside land use designations and zoning ordinance. The project would be located in an existing neighborhood, within the vicinity of an existing state route system, and commercial uses that would benefit the newly proposed residences.	The proposed project would be in conformance with this objective.
Policy 1.1A	Land uses shall be attractively planned and benefit the community.	The project would have an architectural style inspired by traditional farmhouse styles with patios at the face of each home making the pedestrian entry a focal point. The project design is intended to promote the use of outdoor space and pedestrian usage. In addition, the project would go through design review approval by the City of Oceanside and is subject to Oceanside zoning standards, which regulate building design, mass, bulk, height, etc, or applicable waivers. A total of approximately 27,023 square-feet of private common open space is proposed, which consists of central green space, and the north and south sides of the eastern landscaped area. The project proposes a common open space area that would create a gathering spot for neighbors, and a recreational turf area would provide an area for children to play, and an arbor arc through the center of the green space would provide shade over the proposed picnic tables.	The proposed project would be in conformance with this policy.
Policy 1.1B	Land uses shall not significantly distract from nor negatively impact surrounding conforming land uses.	The project site is designated residential uses per the Oceanside General Plan Land Use Map. The proposed housing development would be consistent with the surrounding residential and open space uses and zoning designations. The project would not negatively impact surrounding conforming land uses because it proposes similar residential development and open space amenities.	The proposed project would be in conformance with this policy.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 1.1C	The City shall analyze the long-term effects of all proposed development to assure both the present and future social, economic, and physical enhancement of the community.	The project site currently consists of a 7.3-acre vacant lot. The proposed residential development project would utilize the otherwise underutilized site by constructing 54 single-family homes, of which 8 would be low-income units. Addition of new market rate and affordable housing stock would benefit the community. In addition, the tax revenue from the proposed project would provide an economic benefit to the City of Oceanside.	The proposed project would be in conformance with this policy.
1.11 Balanced Land Use Objective	To develop and use lands for the long-term provision of a balanced, self-sufficient, and efficient community.	Increased housing stock is essential to provide a balanced, efficient, community. The inclusion of affordable housing would also promote a socio-economic diversity within the area, and development on a vacant infill parcel within the City would ensure residents of the project site have access to existing infrastructure, parks, shopping centers and schools.	The proposed project would be in conformance with this objective.
Policy 1.11A	The City shall establish and enforce a balanced distribution of land uses to organize the City in a hierarchy of activity centers and land use so as to foster a sense of neighborhood, community, and regional identity.	The proposed project would provide the City of Oceanside with additional residential units, including low-income housing. The proposed development would be consistent with the surrounding residential and open space uses. The project would provide sidewalk and road improvements, and maintained connection to the adjacent San Luis Rey Trail.	The proposed project would be in conformance with this policy.
Policy 1.11B	The City shall analyze proposes land uses for assurance that the land use will contribute to the proper balance of land uses within the community or provide a significant benefit to the community.	The proposed project would accommodate the growing population of the greater San Diego area. Increased housing stock near existing infrastructure is essential to provide a balanced, efficient, community. The inclusion of affordable housing would also promote a socio-economic diversity within the area.	The proposed project would be in conformance with this policy.
Policy 1.11C	The City shall continuously monitor the impact and intensity of land use and land use distribution to ensure that the City's circulation system is not overburdened beyond design capacity.	The project would be consistent with the City's General Plan Circulation Element and the 2019 Regional Transportation Plan. As outlined in Chapter 4.15 of this EIR, the project would not result in impacts related to	The proposed project would be in

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		traffic and circulation. The project includes public street improvements and sufficient parking on-site for the residential development. Implementation of the project would not overburden existing roadways in the area.	conformance with this policy.
1.12 Land Use Compatibility Objective	To minimize conflicts with adjacent or related land use.	The proposed housing development would be consistent with the surrounding residential land uses, as the site is zoned and designated for single-family residential. Project site access has been designed to reduce the potential for additional traffic on Los Arbolitos Boulevard and Aspen Street in the existing neighborhood to the east. The project would not alter the designated open space land uses to the north and west of the project site.	The proposed project would be in conformance with this objective.
Policy 1.12A	Adequate setbacks, buffering, and/or innovative site design shall be required for land uses that are contiguous to and incompatible with existing land uses.	The proposed project would be compatible with the surrounding land uses. The project proposes to avoid the northwestern corner of the project property to accommodate the encroachment of the Preserve/WCPZ within a 100-foot riparian habitat buffer that also includes the existing flood berm/trail and brow ditch in this area. The project also proposes appropriate retaining walls and fencing along this boundary to restrict human access into the corridor and to ensure that project fuel management requirements would not directly impact the adjacent wildlife corridor. Refer to Section 4.3. Biological Resources. Furthermore, the proposed homes in the development would be setback from existing residential homes along the eastern project boundary by approximately 70 – 75 feet from structure to structure with 48 feet separation between property lines, in order to provide privacy and visual relief to the existing homes on Los Arbolitos Boulevard.	The proposed project would be in conformance with this Policy.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 1.12B	The use of land shall not create negative visual impacts to surrounding land uses.	The proposed project would construct a residential development with open space amenities, roadway improvements and enhanced landscaping. The proposed farmhouse style architectural design, landscaping and amenities would be reviewed by the City for approval prior to development.	The proposed project would be in conformance with this Policy.
Policy 1.12C	The use of land shall not subject people to potential sources of objectionable noise, light, odors, and other emissions nor to exposure of toxic, radioactive, or other dangerous materials.	The proposed project would be constructed in compliance with all local, state and federal regulations As outlined in Chapters 4.1. 4.2, and 4.8, of this EIR, implementation of the proposed project would not result in impacts related to noise, light, odor, or release of hazardous materials. All outdoor lighting would meet Chapter 39 of the City Municipal Code (light pollution ordinance) and would be shielded appropriately. Street lighting would be provided through lighting on individual homes rather than overhead lighting to reduce lighting impacts to the surrounding open space areas and improve dark sky regulation compliance.	The proposed project would be in conformance with this policy.
1.121 Land Use Compatibility with Adjacent Jurisdictions or Responsible Agencies Objective	To assure appropriate land use compatibility is maintained between Oceanside and adjacent jurisdictions or responsible agencies.	The project site is located within the northwestern portion of the City of Oceanside, in the San Luis Rey Neighborhood. The Oceanside General Plan Land Use designation for the site is Single Family Detached Residential. In addition, the project site is surrounded by residential and open space uses. The project would not impact any adjacent jurisdictions or responsible agencies.	The proposed project would be in conformance with this objective.
Policy 1.121A	Oceanside shall formally notice adjacent jurisdictions of proposed land uses or developments that may affect an adjacent jurisdiction.	Please see response to Objective 1.121 above.	The proposed project would be in conformance with this policy.
Policy 1.121B	Oceanside shall formally notice responsible agencies of proposed land uses or developments that may affect an agency's program or responsibilities.	Through the Notice of Preparation (NOP) for the project, the City of Oceanside has formally noticed responsible agencies of the proposed development, including but not limited to USFWS, Army Corps of Engineers, Regional	The proposed project would be in

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		Water Quality Control Board, CDFW, and NAHC. In addition, Oceanside has provided formal solicitation for comments from these agencies during the NOP, and the public review process as defined by CEQA Guidelines Section 15103.	conformance with this policy.
Policy 1.121C	To provide for proper land development or land use compatibility the City shall, wherever possible, take appropriate action on proposed land uses or development to address the concerns of adjacent jurisdictions or responsible agencies.	Please see response to Objective 1.121 above.	The proposed project would be in conformance with this policy.
1.14 Noise Control Objective	To improve the quality of Oceanside's environment by minimizing the negative effects of excessive noise.	The proposed residential development would be constructed in an existing residential area. Construction of the project would be subject to City noise ordinances, and as discussed in Section 4.11 of this EIR, the project would not generate noise levels in exceedance of the analyzed noise thresholds.	The proposed project would be in conformance with this objective.
Policy 1.14A	Noise emissions shall not reach levels that pose a danger to the public health.	Please see response to Objective 1.14 above.	The proposed project would be in conformance with this policy.
Policy 1.14B	Noise emissions shall be controlled at the source where possible.	Please see response to Objective 1.14 above.	The proposed project would be in conformance with this policy.
Policy 1.14C	Noise emissions shall be intercepted by barriers or dissipated by space where the source cannot be controlled.	Please see response to Objective 1.14 above.	The proposed project would be in conformance with this policy.
Policy 1.14D	Noise emissions shall be reduced from structures by the use of soundproofing where other controls fail or are impractical.	Please see response to Objective 1.14 above.	The proposed project would be in conformance with this policy.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 1.14E	Acceptable noise levels shall be demonstrated by the applicant in the review and approval of any projects or public or private activities that require a permit or other approval from the City.	Please see response to Objective 1.14 above. A Noise Study was prepared for the proposed project by Ldn Consulting, Inc in 2021 which demonstrated that project construction and operation would result in acceptable noise levels.	The proposed project would be in conformance with this policy.
1.2 Site Design Objective	To provide high-quality site design, all proposed land development projects shall take advantage of natural or manmade environments to maximize energy conservation, natural air circulation, public safety, visual aesthetics, private and common open spaces, privacy, and land use compatibility.	The proposed project would be constructed on a vacant lot located adjacent to the San Luis Rey trail and existing open space. The project proposes to provide residential and private open space uses on-site and would maintain a connection to the trail for pedestrian and cyclists. The project has been designed to incorporate sustainable design features, visual aesthetics, private and common open space area, privacy, enhanced landscaping, road and sidewalk improvements, and land use compatibility.	The proposed project would be in conformance with this objective.
Policy 1.1A	The placement of all proposed structural components, landscaping, access ways, etc. shall be oriented on the site in such a manner to maximize: 1) Interior building absorption and retention of solar energy during appropriate seasons and times of day, and the access to sunlight for potential solar energy collection; and 2) the even circulation of natural breezes between and through all buildings; and 3) the quality of view and vistas from the site to the surrounding environment; and 4) the quality of views of the site from surrounding land uses; and 5) the public safety by eliminating designs that may harbor or hide detrimental activities.	The project proposes to construct 54 three and four bedroom residences, private open space, and on-site amenities. The project proposes solar systems for each residential unit, private driveways, private open space, and communal open space on a site designated for single-family residential. Residents of the project would have access to open space and the San Luis Rey River bike path to the west and north of the site, and would be consistent with the existing residential neighborhoods to the east and to the south. Final site plans for the project would be subject to City review.	The proposed project would be in conformance with this policy.
Policy 1.2B	A combination of deep, landscaped setback areas, berms, and decorative sound attenuation walls shall be required where developments abut major or intense transportation corridors.	The proposed project does not abut a major or intense transportation corridor. However, the project would incorporate landscaped setback areas, and a variety of bushes and planting would create a buffer to the existing homes in the area where underground utilities limit the use of trees. Landscaping would be in front of all walls where possible, except along the western boundary where walls are located on the property line.	The proposed project would be in conformance with this policy.

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City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 1.2C	New development or land uses shall provide coordinated site design wherever possible with existing or proposed adjacent land uses to provide complimentary site design, unified circulation access, and joint use of ancillary facilities.	Although the project proposes two-story homes which would differ in visual character to existing one-story homes to the east and south, the overall project design would be consistent with the designated land use for the site and the single-family homes would be consistent with the surrounding neighborhood. Requests of adjacent neighbors have been taken into consideration for the project site plan. Final site plans are subject to City review.	The proposed project would be in conformance with this policy.
Policy 1.2D	Street hardware including but not limited to: mailboxes or multiple box units; bus shelters, bike racks, benches, etc.; fire hydrants; utility poles and boxes; street lighting; parking meters; road signage; and other ancillary facilities shall not detract, but shall enhance, the streetscape and adjoining land uses and community.	All street hardware would be consistent with the overall architectural design of the project, including color palate and theme of the proposed residences. All proposed design features and facilities would be maintained by the HOA.	The proposed project would be in conformance with this policy.
Policy 1.2G	All developments shall design parking areas to maximize efficiency, safety, convenience, and open space.	The project would provide a total of 254 parking spaces on site for residents and guests. Each home would have a two-car garage set back from the front façade, and driveways would be designed to allow for two full sizes parked cars, allowing parking for four cars per home. In addition to the parking at each residence, the project would also provide 38 surface parking spaces on site for guests and residents.	The proposed project would be in conformance with this policy.
1.21 Common Open Space Objective	To provide and maintain common open areas for a wide range of uses.	Approximately 24% of the project site is planned as open space. A total of approximately 27,023 square-feet of private common open space is proposed, which consists of central green space, and the north and south sides of the eastern landscaped area. The centrally located common open space creates a gathering spot for neighbors, and a recreational turf area would provide an area for children to play, and an arbor arc through the center of the green space would provide shade over the proposed picnic tables. The proposed project would be	The proposed project would be in conformance with this objective.

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City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		constructed on a vacant lot located adjacent to the San Luis Rey trail and existing open space. The project proposes to provide residential and open space uses along site and would maintain a connection to the trail for pedestrian and cyclists.	
Policy 1.21A	Common open space must be accessible and usable by potential users of the common open space.	See response to Objective 1.21.	The proposed project would be in conformance with this policy.
Policy 1.21B	Common open spaces within a project site shall be contiguous, unless it is found that segregation of the area and type of open space uses better serve the purposes of the General Plan and the project site.	See response to Objective 1.21.	The proposed project would be in conformance with this policy.
Policy 1.21C	Where feasible, common open space shall be integrated with adjacent common or public open spaces, trails, or bicycle transit systems to promote an open space or trails network throughout the City.	See response to Objective 1.21.	The proposed project would be in conformance with this policy.
1.22 Landscaping Objective	The enhancement of community and neighborhood identity through landscaping requirements that frame and soften the built environment consistent with water and energy conservation.	The project proposes ample new landscaping. Landscaping would be in front of all walls where possible, except along the western boundary where walls are located on the property line. Water conserving landscaping and efficient irrigation design would be utilized, along with consideration of aesthetic and functional requirements for the site. Landscaping adjacent to public rights-of-ways, including the central green space, stormwater basins, and the front yards of residences would be maintained by an HOA.	The proposed project would be in conformance with this objective.
Policy 1.22A	Existing mature trees shall be retained wherever possible.	The project site is vacant and does not require tree removal.	Not applicable.

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City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 1.22B	Mature trees removed for development shall be mitigated by replacement with an appropriate type, size, and number of trees.	See response to Policy 1.22A.	Not applicable.
Policy 1.22C	Drought-tolerant materials, including native California plant species, shall be encouraged as a landscape type.	The development would be landscaped with native plant species. In addition, the project would provide drought-tolerant landscaping and water efficient irrigation system.	The proposed project would be in conformance with this policy.
Policy 1.22F	A buffer of landscaping shall be required between the built environment and lands left in a natural or open state. The landscape buffer shall be of sufficient size and shall use plant materials that will retard the spread of wild fire.	The site plan has been designed to comply with the planning buffer regulations. In addition, the project proposes to landscape with native drought tolerant plant species. Proposed landscaping and setbacks have been reviewed and approved by City Fire.	The proposed project would be in conformance with this policy.
1.23 Architecture Objective	The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.	The project would have an architectural style inspired by traditional farmhouse styles. The project design is intended to promote the use of outdoor space and pedestrian usage. The project would maintain access to the San Luis Rey River Trail bike path. In addition, the project would go through design review approval by the City of Oceanside and is subject to Oceanside zoning standards, which regulate building design, mass, bulk, height, etc, or applicable waivers. A total of approximately 27,023 square-feet of private common open space is proposed, which consists of central green space, and the north and south sides of the eastern landscaped area. The project proposes a private common open space area that would create a gathering spot for neighbors, and a recreational turf area would provide an area for children to play, and an arbor arc through the center of the green space would provide shade over the proposed picnic tables.	The proposed project would be in conformance with this objective.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 1.23A	Architectural form, treatments, and materials shall serve to significantly improve on the visual image of the surrounding neighborhood.	See response to Objective 1.23.	The proposed project would be in conformance with this policy.
Policy 1.23B	Structures shall work in harmony with landscaping and adjacent urban and/or topographic form to create an attractive line, dimension, scale, and/or pattern.	See response to Objective 1.23.	The proposed project would be in conformance with this policy.
Policy 1.23C	Elevations, floor plans, perspectives, lines-of-sight, material boards, and other such displays and exhibits shall be provided as necessary to ensure compliance with General Plan policies.	See response to Objective 1.23. All site plans, including proposed building materials and landscaping would be provided to the City for final review.	The proposed project would be in conformance with this policy.
1.24 Topographic Resources Objective	To ensure that development preserves and enhances the unique beauty and character of the City's natural topographic features and does not contribute to slope instability, flooding, or erosion hazards to life and property.	The project site and more specifically, the project development footprint, is relatively flat. The project development footprint would primarily be located on the previously flat portions of the project site. The project would not contribute to slope instability, flooding, or erosion hazards. Please refer to Chapter 4.6 and 4.9 of this EIR which determines that potential impacts related to slope instability, flooding and erosion hazards would be less than significant.	The proposed project would be in conformance with this objective.
Policy 1.24A	Lands designated for industrial and commercial development may require significant alteration of the terrain to ensure their viability. Therefore, it is recognized that the ability of such projects to fulfill the policies contained below will be limited.	The project is not located in an industrial or commercial area.	Not applicable.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 1.24F	Excessive cut and fill grading to create standard prepared pads shall be prohibited.	The project would not require excessive cut and fill. The project site is relatively flat in its existing condition. 33,093 cubic yards of fill would be imported, as the project would include approximately 3,139 cubic yards of cut and 29,898 cubic yards of fill. This amount is not considered excessive given the size and proposed use of the project.	The proposed project would be in conformance with this policy.
Policy 1.24G	Where grading is required, flat planes, and sharp angles of intersection with the natural terrain shall be avoided.	Please refer to response to Policy 1.24F. The proposed project would not create flat plans with sharp angles of intersection.	The proposed project would be in conformance with this policy.
Policy 1.24H	Slopes shall be rounded and contoured to blend with the existing topography, unless on an individual site this would diminish open space or significant natural features of the site.	The topography of the project site is generally flat with a gentle slope towards the southwest end of the project site. Elevations vary between approximately 48 feet above mean sea level to approximately 50 feet above mean sea level. The project site is bounded on the north and west by the San Luis Rey River corridor and on the south and east by existing residential properties. The project would blend with existing topography and would not alter existing slopes to the north and west of the site.	The proposed project would be in conformance with this policy.
Policy 1.24I	The structural quality of the soil and geologic conditions shall be incorporated into the site design and determine the method and type of construction. Slope stability shall be ensured during and after construction.	A Geotechnical Investigation was prepared for the proposed project by Leighton and Associates, Inc. in October 2020. The report documented the recommended construction methods to provide structural stability for the proposed development on the project site and are incorporated as project design features to ensure geological safety. Please refer to Chapter 4.6 of this EIR which determines impacts as a result of the project would be less than significant.	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 1.24J	Potential hazards of flooding, erosion and sedimentation shall be reduced by designing the site drainage system to accommodate the existing upstream storm runoff and to coordinate with existing downstream conditions.	As outlined in Chapter 4.9 Hydrology and Water Quality, of this EIR, impacts related to flooding, erosion and sedimentation and site drainage as a result of project implementation would be less than significant. Proposed site drainage would ensure flow on- and off-site would be adequately handled by existing and proposed drainage structures.	The proposed project would be in conformance with this policy.
Policy 1.24K	Vehicular access to intermittent and perennial streams shall be controlled through project design.	The project does not propose vehicular access to intermittent or perennial streams.	Not applicable.
Policy 1.24L	Setbacks from stream banks shall be established in the project design to maintain the health and usefulness of the watercourse for the benefit of the public.	The proposed project would be compatible with the surrounding land uses. The project proposes to avoid the northwestern corner of the project property to accommodate the encroachment of the Preserve/WCPZ within a 100-foot riparian habitat buffer that also includes the existing flood berm/trail and brow ditch in this area. The project also proposes appropriate retaining walls and fencing along this boundary to restrict human access into the corridor and to ensure that project fuel management requirements would not directly impact the adjacent wildlife corridor. The project would not restrict access to the existing San Luis Rey River bike path.	The proposed project would be in conformance with this policy.
Policy 1.24M	The amount of impervious surfacing shall be limited and shall be designed to support the natural drainage system.	Although there would be an overall increase in runoff (due to increased impervious surface) from the project site by approximately 15% due to project development, the Drainage Study calculates and anticipates no adverse impact as a result of the proposed development.	The proposed project would be in conformance with this policy.
Policy 1.24N	Roadways shall be designed and located to avoid excessive cut and fill, surface disturbance and to respect the existing topography.	See response to Policies 1.24F and 1.24H. The extension of Pala Road to serve project site access, and improvements to existing sidewalks on Aspen Street would not require excessive grading, and the topography of the site would not be substantially altered.	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 1.24O	Parking areas shall adapt to the topographic character of the site.	The project site is relatively flat and therefore the existing topography would not need to be substantially altered in order to accommodate the proposed development, including parking on-site.	The proposed project would be in conformance with this policy.
Policy 1.24P	Site disturbance shall be limited to the minimum area necessary as construction proceeds.	The project site is located on a previously disturbed, vacant lot. Development of the project would improve existing conditions with enhanced landscaping on-site and preservation of designated open space to the north and west.	The proposed project would be in conformance with this policy.
Policy 1.24Q	Groundcover shall be re-established as early as possible as construction proceeds.	The first phase of construction would include grading of the development area. Groundcover for the proposed development of the structures and landscaping would occur at the earliest stage possible during construction. The project would implement a stormwater pollution prevention plan (SWPPP) during construction to reduce sediment transport, in addition to other construction best management practices (BMPs) to reduce erosion. Proposed landscaping would be established on-site in accordance with the construction schedule outlined in Chapter 3 of this EIR.	The proposed project would be in conformance with this policy.
1.25 Undevelopable Lands Objective	To enhance the community welfare and increase public safety through the preservation of significant natural resources, or the provision of adequate building setbacks from natural hazards.	The project site consists of a vacant lot. While structures would be placed in a 100-year flood zone, project design features would ensure that impacts from flooding would be minimized, as discussed in Chapter 4.9, Hydrology and Water Quality.	The proposed project would be in conformance with this objective.
Policy 1.25A	Lands considered undevelopable shall be unbuildable and shall not be included in density calculation that defines the development potential on a site. Undevelopable lands include slopes in excess of forty percent (40%) with a minimum elevation differential of twenty-five (25) feet and riparian corridors or associated vegetated areas of: 1) rivers, 2) intermittent or perennial streams, or 3) lakes. As a minimum, riparian corridors shall include channel ways and banks.	The project site is located on a relatively flat, previously disturbed, vacant parcel. The site has a designated land use of single-family residential and is not considered undevelopable.	Not applicable.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 1.25B	Since land use patterns and developments are long-term features, land on which significant natural hazards are likely to occur within the economic life of the proposed use shall be evaluated for their developability. The City may require studies, mitigation measures, and/or hazard setbacks to fulfill this policy.	Please refer to response to Objective 1.25. Additionally, the Geotechnical Investigation conducted for the project site (Appendix F) provides the recommended method to construct buildings on the project site. With incorporation of the measures provided in the investigation, impacts related to seismic and geologic hazards would be less than significant.	The proposed project would be in conformance with this policy.
1.32 Coastal Zone Objective	To provide for the conservation of the City's coastal resources and fulfill the requirements of the California Coastal Act of 1976.	The project would not be subject to California Coastal Commission review nor subject to the Oceanside Local Coastal Plan because it is not located in a coastal zone.	Not applicable.
Policy 1.32A	The City shall utilize the certified Local Coastal Plan and supporting documentation for review of all proposed projects within the Coastal Zone (Figure 3 of the Land Use Element). Specifically, the goals and policies of the Local Coastal Program Land Use Plan shall be the guiding policy review document.	Please see response to Objective 1.32	Not applicable.
2.01 Commercial Subdivision Objective	To assure commercial subdivisions of land shall promote long-term economic efficiency and provide benefits to the community.	The project does not include a commercial subdivision or other commercial components.	Not applicable.
Policy 2.01B	Subdivision of commercial lands shall encourage wherever possible the unification of access and site design with adjacent and surrounding commercial land uses.	Please see response to Objective 2.01	Not applicable.
2.2 Commercial Development Objective	The City shall preserve and enhance viable, positive commercial developments through the proper allocation of the following commercial land use designations: community commercial, neighborhood commercial, general commercial, special commercial and professional commercial.	Please see response to Objective 2.01	Not applicable.
Special Commercial Policy 2.24A	Special commercial shall designate commercial sites within and/or adjacent to areas with unique characteristics, such as scenic areas, historic areas, freeway off-ramps, the Coastal Zone, and other unique or special areas.	Please see response to Objective 2.01	Not applicable.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Special Commercial Policy 2.24B	Signage in Special Commercial developments shall be consistent with any special guidance systems established for the area.	Please see response to Objective 2.01	Not applicable.
Coastal Zone Policy 2.241A	Development on property designated Special Commercial within the boundaries of the Coastal Zone or Local Coastal Program (LCP) Area shall provide coastal dependent, recreational and visitor serving uses and facilities as specified by the LCP and Coastal Act of 1976 (see Figure LU-16 of the Land Use Element).	Please see response to Objective 1.32	Not applicable.
Interstate 5, State Highway 76, and State Highway 78 Corridors Policy 2.242 A	Commercial sites adjacent to freeway off-ramps and expressway intersections shall coordinate site development to provide joint use of entrance/exit points, parking areas, freeway/expressway-oriented signage, rest areas and visitor-serving facilities (see LU-18 of the Land Use Element).	Please see response to Objective 2.01	Not applicable.
Interstate 5, State Highway 76, and State Highway 78 Corridors Policy 2.242 B	Given the proximity and visibility from major travel corridors, development shall place a major emphasis on providing visitor-serving uses and facilities. Larger sites may provide commercial development of community serving or higher level.	Please see response to Objective 2.01	Not applicable.
Interstate 5, State Highway 76, and State Highway 78 Corridors Policy 2.242 D	Commercial developments shall be encouraged to provide facilities that promote and support the use of public transportation systems.	Please see response to Objective 2.01	Not applicable.
Commercial Design Policy 2.27 A	Commercial architecture shall emphasize establishing prominence and identity to businesses while presenting tasteful, dignified, and visually appealing designs compatible with their surroundings.	Please see response to Objective 2.01	Not applicable.
Commercial Design Policy 2.27 B	Landscape design shall incorporate areas for benches, trash receptacles, bicycle racks, and other forms of street furniture where appropriate.	Please see response to Objective 2.01	Not applicable.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Commercial Design Policy 2.27 C	Parking areas shall be designed to meet the following criteria: 1) parking spaces shall be provided in sufficient number to serve all proposed and probable uses within the development; 2) parking areas shall balance the number of spaces according to individual tenant requirements; 3) parking spaces shall be located within convenient walking distance to commercial structures; 4) access lanes shall be located so not to disrupt pedestrian movements nor traffic flow from parking area loading aisles; 5) compact parking spaces shall be well dispersed throughout the parking area.	Please see response to Objective 2.01	Not applicable.
Commercial Design Policy 2.27 D	Trash disposal areas and loading/unloading facilities shall be screened from view and, whenever possible, separated from customer serving areas.	Please see response to Objective 2.01	Not applicable.
Commercial Design Policy 2.27 E	All commercial developments shall be designed to insure that visual, noise, lighting, traffic, and other negative impacts do not adversely affect surrounding residential areas.	Please see response to Objective 2.01	Not applicable.
Commercial Design Policy 2.27 F	Where appropriate, walkways, arcades, concourses, malls, plazas, courtyards, and other pedestrian-oriented design features shall be provided to encourage pedestrian movement within the development and to adjacent developments.	Please see response to Objective 2.01	Not applicable.
Commercial Design Policy 2.27 G	The phasing of commercial projects shall be permitted to allow initial development and expansion in response to demographic and economic changes. Site designs shall illustrate the ultimate development of the property and/or demonstrate their ability to coordinate and integrate with surrounding commercial properties.	Please see response to Objective 2.01	Not applicable.
Commercial Design Policy 2.27 H	The City shall not approve any phasing plan that allows a development or use that is inconsistent with the site's land use designation.	Please see response to Objective 2.01	Not applicable.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
2.7 Community Facilities Management Objective	To provide a consistent level of quality and affordable public services and facilities and to effectively manage development to ensure that a consistent service level is continued.	A total of approximately 27,023 square-feet of private common open space is proposed, which consists of central green space, and the north and south sides of the eastern landscaped area. The common open space creates a gathering spot for residents of the project, and a recreational turf area would provide an area for children to play, and an arbor arc through the center of the green space would provide shade over the proposed picnic tables. The proposed project would be constructed on a vacant lot located adjacent to the San Luis Rey trail and existing open space. The project would maintain a connection to the trail for pedestrian and cyclists. Existing public services and existing utilities and service systems would be utilized by the project but would not be overburdened, as analyzed in Chapters 4.13 and 4.17 of this EIR.	The proposed project would be in conformance with this objective.
Policy A	Capital improvement impact fees shall be collected at the time a building permit is issued and should consist of four components: 1) a fee based on share of citywide capital improvement expansion and replacement needs represented by the proposed development; 2) a fee to cover additional construction and replacement of capital improvements directly serving the proposed development; 3) fees must be adequate to cover the full cost of non-citywide facilities serving the development (neighborhood parks, fire, and paramedic facilities), including a reserve for replacement costs; 4) In addition, fees must cover new construction and replacement of citywide facilities.	Prior to the issuance of the building permits, the project applicant would pay all required development fees to the approval of the City of Oceanside.	The proposed project would be in conformance with this policy.
3.11 Vegetation and Wildlife Habitats Objective	Recognition and preservation of significant areas with regard to vegetation and wildlife habitats.	The proposed project would be compatible with the surrounding land uses. The project proposes to avoid the northwestern corner of the project property to accommodate the encroachment of the Preserve/WCPZ	The proposed project would be in conformance with this objective.

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		within a 100-foot riparian habitat buffer that also includes the existing flood berm/trail and brow ditch in this area. The project also proposes appropriate retaining walls and fencing along this boundary to restrict human access into the corridor and to ensure that project fuel management requirements would not directly impact the adjacent wildlife corridor. Refer to Section 4.3. Biological Resources which analyzes potential impacts to biological resources in detail.	
Policy A	A biological survey report, including a field survey, shall be required for a proposed project site if the site is largely or totally in a natural state or if high interest species of plants or animals have been found on nearby properties.	A Biological Resources Impact Analysis Report prepared for the proposed project by Merkel & Associates, Inc. (M&A) in June 2021. The purpose of the report was to document the existing biological conditions within the study area; identify potential impacts to biological resources that could result from implementation of the proposed project, and recommend measures to avoid, minimize, and/or mitigate significant impacts consistent with the California Environmental Quality Act (CEQA) and applicable federal, state, and local rules and regulations including the City of Oceanside Multiple Habitat Conservation Program (MHCP) Draft Subarea Plan (SAP).	The proposed project would be in conformance with this policy.
Policy C	In areas where vegetation or wildlife habitat modification is inevitable, mitigation and/or compensatory measures such as native plant restoration, land reclamation, habitat replacement, or land interest donation will be considered.	Please refer to response to Objective 3.11	The proposed project would be in conformance with this policy.
Policy D	Areas containing unique vegetation or wildlife habitats shall receive a high priority for preservation.	Please refer to response to Objective 3.11	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
3.12 Floodplain Policy A	Construction is prohibited within the floodway and restricted in the floodplain by requiring flood-proofing measures for all structures.	The project site is located within a 100-year flood zone. The project is designed to import several feet of fill to raise the site above the 100-year flood elevation; the site will also be regraded to generate a gradual slope of 0.5% to the south to accommodate sufficient drainage conditions. The project shall also be required to construct flood elevations above the 100-year flood elevation level and all proposed structures shall meet California Building Code specifications.	The proposed project would be in conformance with this policy.
Policy B	The City shall require property owners with land adjacent to the floodway to make reasonable channel improvements concurrent with development for their land or to contribute to a fund for future improvements of the length of the channel by the City.	The project is located in a 100-year flood zone. See response to Policy 3.12A.	The proposed project would be in conformance with this policy.
3.13 Erosion and Siltation Controls	To preserve the Buena Vista Lagoon's critical habitats by a comprehensive program of erosion and siltation control.	The project is not located adjacent to or I close proximity to Buena Vista Lagoon.	Not applicable.
3.14 Grading and Excavations Objective	To provide mitigation recommendations for grading and excavations in the City of Oceanside.	Several project design features have been incorporated to ensure adequate safety, with considerations of the geologic conditions of the project site. Prior to issuance of the grading permit, the applicant shall verify that the applicable recommendations of the Geotechnical Investigation have been incorporated into the project design and construction documents to the satisfaction of the City Engineer.	The proposed project would be in conformance with this objective.
Policy A	Investigation and evaluation of currently affected areas will indicate the measures to be included, such as the following measures: 1) Keep grading to a minimum, leave vegetation and soils undisturbed wherever possible; 2) plant bare slopes and cleared areas with appropriate vegetation immediately after grading; 3) chemically treat soils to increase stability and resistance to erosion; 4) install retaining structures where appropriate; 5) construct drainage systems to direct and control rate of surface runoff; 6)	The recommended grading and geological measures have been incorporated into the project design; see Chapter 4.6 of this EIR, Geology and Soils.	The proposed project would be in conformance with this policy.

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	construct silt traps and settling basins in drainage systems; 7) construct weirs and check dams on streams.		
3.2 Cultural Resources Policy B	The City shall encourage the acquisition, restoration and/or maintenance of significant cultural resources by private organizations.	As discussed in Section 4.4, Cultural Resources, due to the heightened archaeological sensitivity of the project site, mitigation measures were implemented to ensure that archaeological and paleontological monitoring occurs during grading and excavation activities for the proposed project. If cultural or paleontological resources are found, ground-disturbing activities would temporarily halt to allow recovery of the find.	The proposed project would be in conformance with this policy.
3.2 Cultural Resources Policy C	Cultural resources that must remain in-situ to preserve their significance shall be preserved intact and interpretive signage and protection shall be provided by project developers.	As discussed in Section 4.4, Cultural Resources, due to the heightened archaeological sensitivity of the project site mitigation measures were implemented to ensure that archaeological monitoring occurs during the grading and excavation activities of the proposed project. If cultural resources are found, ground-disturbing activities would temporarily halt to assess the significance of the find. If the resources must remain in situ proper protection and signage would be provided.	The proposed project would be in conformance with this policy.
3.2 Cultural Resources Policy D	An archaeological survey report shall be prepared by a SOPA (Society of Professional Archaeologists) certified archaeologist for a project proposed for grading or development if any of the following are met: 1) the site is completely or largely in a natural state; 2) there are recorded sites on nearby properties; 3) the project site is near or overlooks a water body (creek, stream, lake freshwater lagoon); 4) the project site includes large boulders and/or oak trees; or 5) The project site is located within a half-mile of Mission San Luis Rey.	A Cultural Resources Survey Report for the Cypress Point Project was prepared by Brian F. Smith and Associates, Inc. in September 2020 which addresses the criteria in this policy.	The proposed project would be in conformance with this policy.
3.23 Paleontological Resources Objective	Recovery, retention and evaluation of paleontological resources.	As discussed in Section 4.6, Geology and Soils, mitigation measures have been incorporated to provide recovery, retention and evaluation of paleontological resources.	The proposed project would be in conformance with this objective.

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Policy A	Paleontological survey reports shall be prepared by a qualified paleontologist approved by the City for all proposed projects that are located in the area designated as having a high potential for fossils on the City's natural resource management data base system.	Both a Cultural Resources Report and Geological Technical Report were prepared for the proposed project. Please refer to Mitigation Measures MM-GEO-1 and MM-GEO-2 in Chapter 4.6 of this EIR, which address potential impacts related to paleontological resources.	The proposed project would be in conformance with this policy.
Recreational Trails Element			
Long Range Policy Direction Goal I	Encourage safe multiple use trails within the City that provide a variety of experiences.	There are currently Class II bike lanes in each direction of travel on Pala Road, Mission Avenue, and El Camino Real (south of Mission Avenue) in the vicinity of the project site. The project would maintain access to the San Luis Rey River Trail and bike path.	The proposed project would be in conformance with this goal.
Objective 1.1	Encourage the development of Class I (off street) trails for multiple use.	Please refer to response to Recreational Trails Element Goal 1.	The proposed project would be in conformance with this objective.
Objective 1.3	Where feasible, design trails to the maximum width to safely accommodate multiple trail users.	The project does not involve construction of new trails or trail improvements.	Not applicable.
Objective 1.6	Design trails which are aesthetically pleasing, incorporating landscaping, buffering, scenic overlooks, and historic elements where possible to provide a variety of experiences.	See response to Objective 1.3.	Not applicable.
Goal 8	An interconnected network of pedestrian facilities within the City, linking recreational and other destinations.	See Recreational Trails Element Goal 1, Pedestrian Connection. The retention of the public trail connection and on-site improvements to public sidewalks streets would contribute to furthering this goal.	The proposed project would be in conformance with this goal.
Objective 8.2	Continue to require pedestrian oriented trails and amenities in parks, new developments, and commercial centers. Encourage the inclusion of greenbelts and common open space for pedestrian use in residential development. Prioritize sidewalk construction in areas where sidewalks are missing as part of the City's Capital Improvement Budget.	See response to Goal 8. The project does not propose new park or commercial centers. The project would include a new public open space area that includes approximately 27,023 square-feet of private common open space, which consists of central green space, and the north and south sides of the eastern landscaped area. The common open space creates a gathering spot	The proposed project would be in conformance with this objective.

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		for neighbors, and a recreational turf area would provide an area for children to play, and an arbor arc through the center of the green space would provide shade over the proposed picnic tables.	
Objective 8.3	Continue to construct sidewalks on all streets as improvements occur. Sidewalks should be adequately maintained and kept clear of obstructions. Landscaped walking corridors should be encouraged in new development through use of meandering sidewalks, linear larks, greenbelts, and similar elements.	The project proposes sidewalk improvements to Aspen Street, including extending the curb, gutter, and sidewalk on both sides of the street leading to the project site with ADA-accessible corner curbs. A 5-foot curb, gutter, and sidewalk would surround the homes on the interior side of the loop road, with an additional sidewalk along the Pala Road extension into the project site that would connect with corner curbs to the inner loop sidewalk.	The proposed project would be in conformance with this objective.
Objective 8.4	Provide links and associated signage to pedestrian amenities such as Buena Vista Lagoon and Calavera Lake in adjacent cities, the beach, and public parks.	Besides the San Luis Rey River trail which is already marked with signage, the project is not in the vicinity of pedestrian amenities to Buena Vista Lagoon or Calavera Lake.	The proposed project would be in conformance with this objective.
Objective 8.7	Provide access for the handicapped, elderly, and visually and hearing impaired to all public buildings, parks, and trails in accordance with State law and the Americans with Disabilities Act.	On-site pedestrian circulation network, and sidewalk improvements off-site would be built in compliance with the Americans with Disabilities Act (ADA) and would not be designed in such a way to prevent access from handicapped, elderly, or impaired persons.	The proposed project would be in conformance with this objective.
Public Safety Element			
Public Safety Element Goal	Take the action necessary to ensure an acceptable level of public safety for prevention and reduction of loss of life and personal property of the citizens of Oceanside.	The project proposes a masonry perimeter wall that would prevent access from the developed site towards the trail in order to protect the natural landscape and help minimize intrusion. Wood fencing would provide privacy around yards, except for some lots along the northern and western boundaries of the project site, which will have retaining walls. These walls are 4 to 5-feet high facing open space, the eastern neighbors and the San Luis Rey Trail, and have open tubular steel fencing above	The proposed project would be in conformance with this goal.

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		where needed for security. Backyard fenced and side yard spaces would also be maintained by the homeowners.	
Seismic and Geologic Hazard Objective 1	Consider seismic and geologic hazards when making land use decisions particularly in regard to critical structures.	A Geotechnical Investigation that was prepared for the proposed project by Leighton and Associates, Inc. in October 2020. The report documented the recommended construction methods to provide structural stability for the proposed development on the project site and are incorporated as project design features to ensure geological safety.	The proposed project would be in conformance with this objective.
Seismic and Geologic Hazard Objective 2	Minimize the risk of occupancy of all structures from seismic and geologic occurrences.	See response to Objective 1 above.	The proposed project would be in conformance with this objective.
Seismic and Geologic Hazard Objective 3	Provide to the public all available information about existing seismic and geologic conditions.	The existing seismic and geologic conditions are provided in the geotechnical reports prepared for the project site and are further discussed in Section 4.6, Geology and Soils, of this EIR.	The proposed project would be in conformance with this objective.
Flood Hazard Objective 1	Consider the potential for flooding when making land use decisions.	The project site is located within a 100-year flood zone. The project is designed to import several feet of fill to raise the site above the 100-year flood elevation; the site will also be regraded to generate a gradual slope of 0.5% to the south to accommodate sufficient drainage conditions. The project shall also be required to construct flood elevations above the 100-year flood elevation level and all proposed structures shall meet California Building Code specifications.	The proposed project would be in conformance with this objective.
Circulation Element			
Long Range Policy Direction			
Goal 1	A multimodal transportation system, which allows for the efficient and safe movement of all people and goods and which meets current demands and future needs of the	Pedestrian access is provided by sidewalks in each direction of travel along the project site from Los Arbolitos Boulevard, Pala Road, Fredricks Avenue, El Camino Real,	The proposed project would be in

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	population and projected land uses with minimal impact to the environment.	Mission Avenue, and Aspen Street. Sidewalk improvements proposed for Aspen Street would include extending the curb, gutter, and sidewalk on both sides leading into the project site with ADA-accessible corner curbs. Aspen Street will be gated and closed at all times except in the event of an emergency. In addition, in the project vicinity, there are currently Class II bike lanes in each direction of travel on Pala Road, Mission Avenue, and El Camino Real (south of Mission Avenue) in the vicinity of the project site. The project would maintain access to the San Luis Rey River Trail bike path. The closest public access point to the San Luis Rey River Trail bike path from the project site would be located immediately east of the project site, off Cypress Road.	conformance with this goal.
Goal 2	Alternative modes of transportation to reduce the dependence on the automobile.	The project area is provided transit service via the North County Transit District (NCTD), which operates the Oceanside Transportation Center located approximately 4.3 miles from the project site. The routes that operate near the project area are routes 303, 309, and 311. Bus stops within a 1-mile radius of the project site include the stops located at Pala Road and Fredricks Avenue, Los Arbolitos Boulevard and Orr Street, and El Camino Real and Mission Avenue. Additionally, the Oceanside Transportation Center has connections to several NCTD routes. The availability of public transportation in the project area provides an alternative mode of transportation to the residents of proposed project and community.	The proposed project would be in conformance with this goal.
Goal 3	Alternative transportation strategies designed to reduce traffic volumes and improve traffic flow.	See response to Goal 2.	The proposed project would be in conformance with this goal.

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Goal 4	A citywide transportation system that integrates with the regional transportation system.	See response to Goal 2.	The proposed project would be in conformance with this goal.
Goal 5	A multimodal transportation system that creates a balance with preserving community values and maintaining public acceptance.	See response to Goals 1 and 2.	The proposed project would be in conformance with this goal.
Objective i.	Implement a circulation system that provide a high level of mobility, efficiency, access, safety, and environmental consideration that accommodates all modes of travel such as vehicular, truck, transit, bicycle, pedestrian, and rail.	See response to Goals 1 and 2.	The proposed project would be in conformance with this objective.
Policy 2.4	The City's circulation system shall promote efficient intra- and inter-city travel with minimum disruption to established and planned residential neighborhoods.	See response to Goal 2.	The proposed project would be in conformance with this policy.
Policy 2.5	The City will strive to incorporate complete streets throughout the Oceanside transportation network which are designed and constructed to serve all users of streets, roads and highways, regardless of their age or ability, or whether they are driving, walking, bicycling, or using transit.	See response to Goals 1 and 2. Pedestrians and Bicyclists would be able to access the project site from existing facilities. The project also proposes new and improved sidewalks for the development. The project area is served by an existing network of public transportation.	The proposed project would be in conformance with this policy.
Master Transportation Roadway Plan			
Goal 1	A transportation network that supports safe and efficient travel for all modes of transportation.	See response to Long Range Policy Direction Goals 1 and 2.	The proposed project would be in conformance with this goal.
Goal 2	A transportation network that is designed to accommodate the existing and future growth of the City of Oceanside.	The proposed project would provide circulation system improvements as described in Long Range Policy Direction Goals 1 and 2.	The proposed project would be in conformance with this goal.

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Objective i.	Aim for an acceptable Level of Service (LOS) D or better on all Circulation Element roadways on an average daily basis and at intersections during the AM and PM peak periods.	The results of the Local Transportation Assessment prepared for the project, conducted by Linscott, Law, and Greenspan Engineers show that all study intersections will continue to operate at acceptable levels of service (level of service (LOS) D or better) during AM and PM peak periods with addition of project trips.	The proposed project would be in conformance with this objective.
Objective ii.	Ensure that all streets within the City achieve the City's mobility goals and design standards as highlighted throughout [Chapter 3 of the Circulation Element].	The project would be reviewed by the Planning Commission to ensure that all Oceanside -required design parameters are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc.	The proposed project would be in conformance with this objective.
Policy 3.3	All streets within the City shall be designed in accordance with the adopted City of Oceanside design standards. Typical cross-sections and design criteria for the various street classifications are shown in the City Engineers Design and Processing Manual.	See Objective ii. The project would be reviewed by the Planning Commission and Oceanside's traffic engineer to ensure that all Oceanside -required design parameters and standards are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc.	The proposed project would be in conformance with this policy.
Policy 3.4	The City may permit construction of private streets within individual development projects, provided that: They are designed geometrically and structurally to meet City standards. Only project occupants are served. All emergency vehicle access requirements are satisfied. The streets do not provide direct through route between public streets. The Homeowners Association and/or property owners provide an acceptable program for financing regular street maintenance.	The project would be reviewed by the Planning Commission and Oceanside's traffic engineer to ensure that all Oceanside -required design parameters and standards are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc. On-site traffic circulation and fire access would be provided. Primary access to the project site is proposed from a westerly extension of Pala Road, at the southern edge of the project site. Secondary emergency only access would be via Aspen Street, at the midpoint of the project site on the east side. In the event of an	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		emergency the Aspen Street gate can be accessed by the Fire Department by knox box entry device. Both road entries would lead to the private loop within the project site. The newly proposed streets would not provide direct through route access between public streets. The HOA for the development would be responsible for coordinating street maintenance and any on-site facility repairs.	
Policy 3.5	The City may allow private streets to be designed with narrower right-of-way, if approved after City review.	The project is not requesting a narrower right-of-way for its proposed streets.	Not applicable.
Policy 3.6	The City shall institute street access guidelines consistent with the street classifications. These shall be applied where feasible to all new developments. The following guidelines shall be used to define appropriate access: The City shall prohibit driveway access to prime arterials. Driveway access to major arterials shall not be permitted unless there is no other reasonable means of access to the public street system. Where access to major arterials or secondary collectors must be allowed, it shall be limited through the use of medians and/or access controls to maintain street capacity. Along major arterials, access spacing shall be a standard distance of 1,200 feet or more. Under special circumstances this distance may be reduced to a minimum of 600 feet where access is limited to right-in and right-out only. The above measurements shall be made from the ends of curb returns. Along secondary collectors, the corresponding access spacing shall be 600 feet for the standard distance and a minimum of 300 feet for special circumstances where access is limited to right-in and right-out only. The above measurements shall be made from the ends of curb returns.	The project does not propose access from prime or major arterial roads. Additionally, the project would be reviewed by the Planning Commission and Oceanside's traffic engineer to ensure that all Oceanside -required design parameters and standards are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc.	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 3.9	The City shall review all project applications and reduce or eliminate residential driveways on all collector and busier streets. Access to commercial projects shall be designed to meet the City's standards and limited to the extent feasible. The City shall routinely review existing collector and higher streets to determine, as feasible, the closing, combining, or relocation of existing driveways.	See response to Policies 3.4 and 3.6. The project does not propose access or driveways on high collector or busier streets. Additionally, the project would be reviewed by the Planning Commission and Oceanside's traffic engineer to ensure that all Oceanside -required design parameters and standards are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc.	The proposed project would be in conformance with this policy.
Objective iii.	Construct the roadway in phases consistent with the needs and growth of the community.	Proposed project roadway, sidewalk, curb, and gutter improvements would be constructed prior to the residences to ensure those facilities can serve the increased local population caused by the project. These improvements would enhance the existing circulation system and ensure future users of the site and site vicinity are provided a safe, efficient roadway, bicycle and pedestrian network.	The proposed project would be in conformance with this objective.
Policy 3.10	The City shall require dedication and improvement of necessary rights-of-way along Master Transportation Roadway Plan streets. This usually will occur in fulfillment of a condition of approval for a tentative map or as a condition of approval for a building permit, whichever occurs first.	The proposed project is not located on a Master Transportation Roadway Plan key intersection; however, the project would be reviewed by the Planning Commission and Oceanside's traffic engineer to ensure that all Oceanside -required design parameters and standards are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc.	The proposed project would be in conformance with this policy.
Policy 3.11	The City shall assure that each addition to the circulation system is a useable link on the total system and that new routes and links are coordinated with existing routes to ensure that each new and existing roadway continues to function as it was intended.	See response to Objectives ii. and iii.	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 3.12	The City shall require or provide adequate traffic safety measures on all new and existing roadways. These measures may include, but are not limited to, appropriate levels of maintenance, proper street design, traffic control devices (signs, signals, and striping), street lighting, and coordination with the school districts to provide school crossing signs and protection.	The project would be reviewed by the Planning Commission to ensure that all Oceanside-required design parameters are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc. Signage, lighting, and other improvements would be made to ensure user safety on and around the site including wayfinding for pedestrians and bicyclists.	The proposed project would be in conformance with this policy.
Policy 3.15	The City shall impose appropriate prorated fees for construction of roadway facilities and associated landscaping to ensure that all new development contributes to the completion of the circulation system. In addition to pre-permit collection, such fees may be imposed through creation of assessment districts.	The project would be subject to fair share fees to be paid by the project applicant. These fees would be assessed by the City and applicable districts and collected before development permits are issued.	The proposed project would be in conformance with this policy.
Policy 3.16	The City shall approve and build streets as per City of Oceanside Engineering Manual Specifications.	Proposed project road extension and sidewalk improvements would be reviewed by the Planning Commission to ensure that all Oceanside-required design parameters are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc.	The proposed project would be in conformance with this policy.
Policy 3.17	The City shall require additional right-of-way width and additional improvements of major arterials where required for turning movements or to provide access to adjacent properties whenever access is not feasible from a lower classification street system.	The project does not propose development along major arterial roads and therefore this policy does not apply.	Not applicable.
Policy 3.18	The City shall: Require new developments to provide collector and local street improvements according to the standards of the City Engineering Department.	Proposed project road extension and sidewalk improvements would be reviewed by the Planning Commission to ensure that all Oceanside-required design parameters are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc. Roadway, bicycle and pedestrian improvements	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
	Require new developments to dedicate necessary right-of-way when the subdivision or development of property adjacent to Circulation Element streets is proposed. Require new developments to provide all necessary grading, installation of curbs, gutters, sidewalks, parkway tree planting, and street lights, unless these improvements are provided through other means. Require new developments to provide half-street improvements plus 12 feet beyond the centerline in accordance with City standards.	would be implemented to enhance the circulation system on the site including grading, curb installation, circulation connectivity improvements, sidewalks, etc.	
Policy 3.20	If the location and traffic generation of a proposed development will result in congestion on major streets or failure to meet the LOS D threshold, or if it creates safety hazards, the proposed development shall be required to make necessary off-site improvements. Such improvements may be eligible for reimbursement from collected impact fees. In some cases, the development may have to wait until financing for required off-site improvements is available. In other cases where development would result in unavoidable impacts, the appropriate findings of overriding consideration will be required to allow temporary undesirable levels of service.	The project would not cause congestion on major streets and per the traffic study, the project area would continue to operate at a LOS D or better with additional project trips. As related to transportation, the project would not create a safety hazard. This is further discussed in Section 4.15, Traffic and Circulation, of the EIR.	The proposed project would be in conformance with this policy.
Policy 3.21	The City shall require that those responsible for street improvements replant, replace, or install new landscaping pursuant to existing City policy along all new roadways or on those that have been redesigned and reconstructed.	The proposed project involves landscaping in front of each newly proposed residence, as part of the street frontage. In addition, the primary project entrance at the Pala Road extension would include the addition of street trees and ground level vegetation.	The proposed project would be in conformance with this policy.
Policy 3.22	Prior to approving any street widening project, the City shall explore all alternatives to adding additional lanes or acquiring additional right-of-way.	The project does not propose street widening.	Not applicable.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Transportation Demand Management			
Goal 1	Support programs that encourage increased vehicle occupancies and trip reduction in order for residents to enjoy the quality of life that currently exists in Oceanside.	See response to Long Range Policy Direction Goals 1 and 2. While the project doesn't directly support programs that encourage increased vehicle occupancy, pedestrians and bicyclists would be able to access the project site from existing facilities and the project would include bicycle parking facilities. The project also proposes new and improved sidewalks on- and off-site as described in Chapter 3 of this EIR. The project area is served by an existing network of public transportation.	The proposed project would be in conformance with this goal.
Objective i.	Move more people in fewer vehicles while providing high quality modes of transportation.	See response to Goal 1.	The proposed project would be in conformance with this objective.
Objective ii.	Maintain high quality transportation services which cater to the needs of all residents, regardless of age, income, or physical ability.	See response to Goal 1.	The proposed project would be in conformance with this objective.
Objective iii.	Encourage alternative modes of transportation through TDM practices such as transit, walking, bicycling, and teleworking especially during peak travel periods.	See response to Goal 1.	The proposed project would be in conformance with this objective.
Policy 4.1	The City shall encourage the reduction of vehicle miles traveled, reduction of the total number of daily and peak hour vehicle trips, and provide better utilization of the circulation system through development and implementation of TDM strategies. These may include, but not limited to, implementation of peak hour trip reduction, encourage staggered work hours, telework programs, increased development of employment centers where transit usage is highly viable, encouragement of ridesharing options in the	See response to Long Range Policy Direction Goals 1 and 2. While the project doesn't directly support programs that encourage reduction of VMT or TDM strategies, pedestrians and bicyclists would be able to access the project site from existing facilities and the project would include bicycle parking facilities. The project also proposes new and improved sidewalks on- and off-site. The project area is served by an existing network of public transportation.	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
	public and private sector, provision for park-and-ride facilities adjacent to the regional transportation system, and provision for transit subsidies.		
Policy 4.2	The City shall maintain and implement the policies and recommendations of the Bicycle Master Plan as part of the Recreational Trails Element. These facilities shall connect residential areas with schools, parks, recreation areas, major employment centers, and neighborhood commercial areas.	The proposed project would enhance bicycle lane connectivity and on- and off-site bicycle circulation access. There are currently Class II bike lanes in each direction of travel surrounding the project on Pala Road, Mission Avenue, and El Camino Real (south of Mission Avenue). The project would maintain access to the San Luis Rey River Trail bike path.	The proposed project would be in conformance with this policy.
Policy 4.4	The City shall support parking policies that increase the cost of parking and/or reduce the supply of off-street parking to encourage drivers to consider using alternative modes of transportation or carpool/vanpool opportunities where transit facilities are available.	The project would provide a total of 254 parking spaces on site for residents and guests. Each home would have a two-car garage set back from the front façade, and driveways would be designed to allow for two full sizes parked cars, allowing parking for four cars per home. In addition to the parking at each residence, the project would also provide 38 surface parking spaces on site for guests and residents.	The proposed project would be in conformance with this policy.
Policy 4.5	The City shall encourage businesses to offer financial incentives to use modes of transportation other than the single occupant vehicle by way of subsidized transit, carpool/vanpool programs, bike to work programs, parking cash-out programs, or some combination of these.	The project does not propose a commercial or business use.	Not applicable.
Policy 4.6	The City shall encourage new developments to provide on-site facilities such as showers, lockers, carpool stalls, and bicycle racks.	The proposed project is a private residential development and therefore many of these facilities would be provided on-site or within each unit.	The proposed project would be in conformance with this policy.
Policy 4.7	The City shall coordinate with businesses and employers to organize and facilitate transportation commuter fairs that provide information on carpools, vanpools, transit, bicycling, and other alternative commute modes to the single occupant	The project does not propose a commercial use. No new business or employment is proposed.	Not applicable.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
	vehicle, as well as the advantages and costs savings of alternative forms of transportation.		
Policy 4.10	The City shall maintain curb use priorities that consider, in descending order, the needs of through traffic, transit stops, bus turnouts, passenger loading needs, and short- and long term parking.	The project would be reviewed by the Planning Commission to ensure that all Oceanside-required design parameters are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc. Curb uses would be typical of residential areas, primarily involving parking and deliveries.	The proposed project would be in conformance with this policy.
Public Transit and Rail Policies and Guidelines			
Goal 1	Support the increased use and availability of transit and rail service to encourage a multimodal transportation network in Oceanside.	The proposed project would include on- and off-site improvements to the existing and proposed circulation network that would support the proposed project operations. Pedestrian and road improvements would be implemented to facilitate efficient flow of traffic and the safe and effective passage of pedestrians and cyclists. Additionally, the project area is provided transit service via the North County Transit District (NCTD), which operates the Oceanside Transportation Center located approximately 4.3 miles from the project site. The routes that operate near the project area are routes 303, 309, and 311. Bus stops within a 1-mile radius of the project site include the stops located at Pala Road and Fredricks Avenue, Los Arbolitos Boulevard and Orr Street, and El Camino Real and Mission Avenue. Additionally, the Oceanside Transportation Center has connections to several NCTD routes. The availability of public transportation in the project area provides an alternative mode of transportation to the residents of proposed project and community.	The proposed project would be in conformance with this goal.
Objective ii.	Support the development, improvement, expansion, and increased ridership of transit within the City, including the	While the project would not directly develop, improve, expand, or increase transit ridership, it would be located in	The proposed project would be in

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
	development of new forms of transit and transit technologies as they become available.	the vicinity of existing transit lines which would be available to new residents. See response to Goal 1.	conformance with this objective.
Objective iii.	Support mixed use developments in transit focus areas and transit oriented developments.	See response to Goal 1.	The proposed project would be in conformance with this objective.
Policy 5.2	The City shall require developers to construct, where appropriate, transit facilities when their development is on a transit service route including bus stop amenities to include lighted shelters, benches, and route information signs (where appropriate) through coordination with NCTD.	Although the project does not include the construction of transit facilities, it would be located within the vicinity of existing transit networks, as described in Goal 1.	The proposed project would be in conformance with this policy.
Bicycle Facilities			
Goal 1	Provide a safe, interconnected network of bicycle facilities within Oceanside for recreational and commuter users.	The proposed project would enhance bicycle lane connectivity and on- and off-site bicycle circulation access. There are currently Class II bike lanes in each direction of travel surrounding the project on Pala Road, Mission Avenue, and El Camino Real (south of Mission Avenue). The project would maintain access to the San Luis Rey River Trail bike path.	The proposed project would be in conformance with this goal.
Objective i.	Ensure the bikeway system will endeavor to be a complete system emphasizing local and regional continuity and connectivity.	See response to Goal 1.	The proposed project would be in conformance with this objective.
Objective iii.	Ensure safety along the bikeway system by focusing on maximum visibility for the cyclist, signage, bikeway segment selection, and utilizing easily-recognized markers to clearly identify paths, lanes and routes.	The project would maintain access to the San Luis Rey River Trail bike path, and would not impair existing visibility, access or signage.	The proposed project would be in conformance with this objective.
Objective iv.	Conform to the minimum design standards established by Caltrans Highway Design Manual Chapter 1000.	The project would be reviewed by the Planning Commission to ensure that all Oceanside -required design parameters are met. Design parameters include street widths, access	The proposed project would be in conformance with this objective.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		improvements, landscape standards, streetlights, lighting requirements, architectural design, etc.	
Objective vii.	Whenever possible, develop bikeway system design and layout to minimize potential financial burden to the City by engaging development to implement bike segments, locating segments within the existing right-of-way, and minimizing the need for acquisition.	See response to Goal 1. No bicycle improvements would occur that would increase financial burden to the City of Oceanside.	The proposed project would be in conformance with this objective.
Objective viii.	Whenever possible, construct the bikeway system to utilize environmentally sensitive routing to minimize environmental impacts.	The proposed project would be located directly adjacent to the San Luis Rey River Trail bike path. Direct access would increase bicycling opportunities in and around the project site would not pose environmental impacts and.	The proposed project would be in conformance with this objective.
Objective ix.	Strive to include bicycle facilities including, but not limited to, bike lockers and locking racks at existing and new developments.	The proposed project would include bicycle parking facilities on-site.	The proposed project would be in conformance with this objective.
Policy 6.7	The City shall encourage large new developments to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users.	See response to Objective ix.	The proposed project would be in conformance with this policy.
Pedestrian Facilities			
Goal 1	Develop and maintain a safe pedestrian network that is free of barriers and hazards; that has sufficient lighting, signs, signals, street crossings, and buffers from vehicular traffic in order to create a sense of security for the pedestrian. Utilize corrective measures through engineering, education, and enforcement.	For safe access along the project site, pedestrian sidewalks site would be properly lit via residential lights for safety. No overhead lights are proposed as to comply with the City's light ordinance and dark sky regulations. The residential project would not pose any unique barriers or hazards to pedestrians. The project would also be subject to review by the Planning Commission. This review would ensure that all Oceanside-required design parameters are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc.	The proposed project would be in conformance with this goal.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Goal 3	Develop a complete pedestrian network that provides continuous and convenient access to transit, employment centers, retail, neighborhoods, schools, beaches, parks, public places and other essential pedestrian destinations.	As previously mentioned, the project is located on an infill site, adjacent to the San Luis Rey River bike trail, and within close proximity to major freeways, public transit, parks, and commercial centers.	The proposed project would be in conformance with this goal.
Goal 4	Ensure that pedestrian facilities meet local, State and federal access requirements. Utilize "Universal Access" principles that go beyond the minimum standards, since all pedestrians benefit from this approach.	On-site pedestrian circulation network and sidewalk improvements would be built in compliance with the Americans with Disabilities Act (ADA) and would not be designed in such a way to prevent access from handicapped, elderly, or impaired persons.	The proposed project would be in conformance with this goal.
Objective i.	Support projects, improvements, and programs that create a safer pedestrian walking environment.	See responses to Goals 1, 3, and 4.	The proposed project would be in conformance with this objective.
Objective ii.	Encourage development patterns that promote walking and increase connectivity.	See response to Goal 3.	The proposed project would be in conformance with this objective.
Objective iv.	Promote accessibility and mobility for all people including children, disabled, and the elderly.	See response to Goal 4.	The proposed project would be in conformance with this objective.
Policy 7.2	The City shall encourage pedestrian facility improvements such as signs, signals, streets crossings, and proper lighting especially in areas where there is high pedestrian activity and/or safety issues.	See response to Goal 1.	The proposed project would be in conformance with this policy.
Policy 7.7	The City shall require the construction of a minimum five-foot wide sidewalk in all new developments and street improvements but will encourage sidewalk widths that go beyond the minimum five-foot ADA standards in areas with high pedestrian activity.	See response to Goals 3 and 4.	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 7.8	The City shall encourage the inclusion of public walkways, open space, or trails for pedestrian usage in large, private developments.	See response to Goals 1 and 3.	The proposed project would be in conformance with this policy.
Policy 7.10	The City shall require all new developments to provide universal access (meaning access for all ages or persons with disabilities).	See response to Goal 4.	The proposed project would be in conformance with this policy.
Environmental Resource Management Element			
Water Objective 3	Minimize pollution of water supplies, including lakes, rivers, streams, lagoons, and ground water.	The project would be required to prepare a project-specific stormwater pollution prevention plan (SWPPP) during construction to reduce sediment transport, in addition to other construction best management practices (BMPs) to further reduce erosion and runoff. A project stormwater quality management plan (SWQMP) was also prepared to address the project's operational impacts to water quality and the potential pollutants of concern. These measures and plans are fully described in Section 4.9, Hydrology and Water Quality. Project impacts related to water quality were determined to be less than significant.	The proposed project would be in conformance with this objective.
Water Objective 4	Minimize loss of life and property in flood prone areas.	The project site is located within a 100-year flood zone. The project is designed to import several feet of fill to raise the site above the 100-year flood elevation; the site will also be regraded to generate a gradual slope of 0.5% to the south to accommodate sufficient drainage conditions. The project shall also be required to construct flood elevations above the 100-year flood elevation level and all proposed structures shall meet California Building Code specifications. Please refer to Chapter. 4.6, 4.8,	The proposed project would be in conformance with this objective.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		and 4.9 which determine the project would not result in potential impacts related to flooding.	
Soil, Erosion and Drainage Objective 1	Consider appropriate engineering and land use planning techniques to mitigate rapid weathering of the rocks, soil erosion, and the siltation of the lagoons.	As discussed in detail in Chapter 4.6 Geology and Soils and 4.9 Hydrology and Water Quality, impacts related to soil erosion and siltation would be less than significant.	The proposed project would be in conformance with this objective.
Coastal Preservation Objective 2	Review and develop plans for the wise utilization of the coastal areas for the general welfare and socio-economic benefit of the community as a whole, taking into consideration the environmental recommendations of the Coastal Zone Commission, Natural Flood Insurance Administration and other governmental agencies dealing with the planned management and preservation of coastal resources.	The project is not located within the Oceanside coastal zone.	Not applicable.
Vegetation and Wildlife Habitats 1	Conserve and enhance vegetation and wildlife habitats, especially areas of rare, endangered, or threatened species.	As outlined in Chapter 4.3 Biological Resources, the project would incorporate design features which would ensure conservation and enhancement of existing vegetation and wildlife habitats in adjacent open space land uses. It was determined there are no existing rare, endangered or threatened species on-site.	The proposed project would be in conformance with this objective.
Recreation and Scenic Areas 1	Plan adequate recreation facilities based on existing recreation standards and criteria established by the appropriate agencies as contained in the other elements of the General Plan.	Although the project would potentially increase the utilization of existing parks and recreational facilities within the City; the EIR determined that the combination of proposed project open space amenities on site, existing park and recreational facilities in the area, and proposed future recreational facilities within the City would adequately serve future residents of the project site. Additionally, the project developer would be responsible for applicable Development Services Department Impact Fees which would contribute to (but not limited to) parks, public facilities, and schools.	The proposed project would be in conformance with this objective.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Community Facilities Element			
Long Range Policy Direction Objective	To ensure that adequate public facilities and services are provided to serve existing and future residential, commercial, and industrial development throughout the City of Oceanside.	The project would cause a minimal increase of approximately 151 residents. Potential impacts to libraries or other public facilities are not anticipated to be substantial. The two existing public libraries, in addition to school libraries that would serve students at the project site are expected to adequately serve the approximately 151 residents generated by the project. Furthermore, payment of development impact fees, as applicable, in accordance with Municipal Code Sections 32B and 32C would address the need for additional public services generated by new development.	The proposed project would be in conformance with this objective.
Policy 0.1	Compact and sequenced infill community development shall be encouraged in order to concentrate expenditures for community facilities and services in a cost-effective manner.	The proposed project is considered an infill development located on a vacant, previously disturbed site, in an existing neighborhood. The project is located in an urban area of the City that is currently served by public utilities and community facilities and services. Addition of 54 homes in proximity to existing infrastructure would concentrate community expenditures.	The proposed project would be in conformance with this policy.
Policy 0.2	A thorough review of all social, economic, and environmental factors shall be conducted before major extensions of facilities or services are made by the City in order to evaluate land use impacts.	The project's land use and environmental impacts are addressed in this EIR. The proposed residential project would provide market-rate and low-income housing stock and tax revenue for the City of Oceanside. Final site plans for the project would be subject to review by the City.	The proposed project would be in conformance with this policy.
Policy 0.3	The City shall strive to manage community growth so that public facilities and services to current residents of the community will not be adversely impacts by new development.	Project impacts to public facilities are discussed in Section 4.13 of this EIR. The proposed project would be required to pay public facilities impact fees based on the impact fee schedule in effect at the time of issuance of a building permit. Fees collected are to be used to fund public service capital improvements, the need for which is attributable to the proposed development. Payment of	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		the required public facility fees would therefore reduce the project's impacts to future public facilities and services.	
Policy 0.6	The City shall strive to establish control over the quality, distribution, and rate of growth of the City in order to: a) preserve the character of the community; b) protect the open space of the City; f) ensure the balanced development of the City; g) prevent future significant deterioration in the local air quality; h) ensure that traffic demands do not exceed the capacity of the streets; j) ensure that the City does not grow in a manner that places a severe strain on the local freeway system; k) ensure the adequacy of fire and police protection; l) ensure adequate water and sanitary sewage systems; m) ensure adequate stormwater management systems. (The following subcomponents of this policy did not apply to the proposed project: c, d, e, and i).	The residential development project proposes to 54 residences on a vacant lot that is surrounded by a residential and open space uses. In addition, the proposed residential development would be consistent with the General Plan land use designation. Relevant subcomponents of Policy 0.6 would be addressed as follows; a. The proposed project would be consistent with the surrounding residential development. b. The project would make available open space amenities to its residents. f. The project would provide market-rate and low-income housing stock for the City. g. As discussed in Section 4.2, Air Quality, project air quality impacts would be less than significant. h. As discussed in Section 4.15, LOS levels would remain at acceptable levels (LOS C or better). j. The proposed residential development would not place a severe strain on the local freeway system. k. The project's site plan has been reviewed by the Oceanside fire and police protection services to ensure the availability of services. l. As discussed in Section 4.17, Utilities and Services Systems, no expansion of existing water and sewage facilities would be required beyond the construction of on-site connections. m. As discussed in Section 4.10, Hydrology and Water Quality, although there would be an overall increase in	The proposed project would be in conformance with this policy.

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		runoff (due to increased impervious surface) from the project site by approximately 15% due to project development, the Drainage Study calculates and anticipates no adverse impact as a result of the proposed development.	
Fire Department Facilities Policy 3.10	In order to minimize fire hazards, the Oceanside Fire Department shall be involved in the review of development applications. Consideration shall be given to adequate emergency access, driveway widths, turning radii, fire hydrant locations, and Needed Fire Flow requirements.	The Oceanside Fire Department reviewed and provided comments on the development applications. The current site plan has been approved by the Fire Department as meeting the applicable fire requirements.	The proposed project would be in conformance with this policy.
Fire Department Facilities Policy 3.11	Development proposals within designated high fire hazard areas shall include plans for mitigation of potential grass and brush fires. These plans shall address the need for life safety automatic fire sprinkler systems, water availability, secondary emergency access routes, construction requirements, and landscaping around structures.	The project site is not located within or adjacent to a State Responsibility Area (SRA) or Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone (VHFHSZ). The project site is located within an urbanized and developed area of the City. Although the project site borders the San Luis Rey River corridor, this wildland is not in an area subject to high fire risk. In addition, the project proposes to implement a landscape pallet consisting of native species that would naturally serve as a fire retardant. The project would be required to comply with the City of Oceanside Code of Ordinances, Chapter 11 (Fire Protection), which provides regulations for fire prevention measures including fire sprinklers and landscape restrictions.	The proposed project would be in conformance with this policy.
Sanitary Sewer Policy 5.4	New development shall be responsible for on-site facility improvements required by that development.	The project would construct all necessary on-site facility improvements required for the development of the proposed project.	The proposed project would be in conformance with this policy.
Sanitary Sewer Policy 5.5	The sanitary sewer system shall be designed to allow for full development of each service area at the intensity proposed by the Land Use Element of the General Plan.	The project proposes a new 8-inch sewer line on site and a new 8-inch sewer line in Pala Road that would connect to the existing line in Los Arbolitos Boulevard. All on-site sewer facilities for the project are proposed to be private,	The proposed project would be in conformance with this policy..

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		and each home within the project site would have its own sewer lateral. As discussed in Section 4.17, modeling results indicate that the proposed sewer system connection would adequately serve the proposed project, and existing City infrastructure would have sufficient capacity to accommodate project demand.	
Water Supply Policy 5.11	New development shall be responsible for on-site water facilities improvements required by that development.	Development of the proposed project includes construction of adequately sized on-site water facilities.	The proposed project would be in conformance with this policy.
Water Supply Policy 5.12	The water supply and distribution system shall be designed to allow for development of each service area at the intensity proposed by the Land Use Element of the General Plan.	The proposed project would be consistent with the General Plan Land Use Designation for residential uses. Therefore, the project would be consistent with projected land use intensities of the General Plan, which acts as one of the bases for water supply projections. Additionally, the on-site water distribution and existing water service facilities would be adequate to serve the increase in demand from the project.	The proposed project would be in conformance with this policy.
Stormwater Management System Objective	To provide adequate stormwater management facilities and services for the entire community in a timely and cost effective manner, while mitigating the environmental impacts of construction of the storm drainage system as well as stormwater runoff.	As discussed in Section 4.9, Hydrology and Water Quality, runoff would be conveyed to four on-site bioretention basins prior to being discharged off site. Implementation of a Stormwater Quality Management Plan and proposed on-site drainage system improvements would ensure that the project would not require the construction of new stormwater drainage facilities or the expansion of existing facilities and impacts regarding stormwater runoff are minimized.	The proposed project would be in conformance with this objective.
Policy 6.2	All new development in the City of Oceanside shall pay drainage impact fees to defray that development's proportionate share of drainage facilities serving the basin where the new development is located.	See Stormwater Management System Objective. No expansion of drainage facilities would occur beyond what is required on site.	The proposed project would be in conformance with this policy.

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Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy 6.3	The City shall continue to participate in the National Flood Insurance program. Any development application for construction within the 100-year floodplain shall be reviewed to ensure that the project complies with flood protection measures required by the National Flood Insurance Program. For existing developed areas within the 100-year floodplain, these same measures and standards shall be applied if City approval of substantial improvements or upgrades is sought.	The project site is located within a 100-year flood zone. The project is designed to import several feet of fill to raise the site above the 100-year flood elevation; the site will also be regraded to generate a gradual slope of 0.5% to the south to accommodate sufficient drainage conditions. The project shall also be required to construct flood elevations above the 100-year flood elevation level and all proposed structures shall meet California Building Code specifications.	The proposed project would be in conformance with this policy.
Policy 6.4	To the degree that is economically feasible and consistent with sound engineering practices and maintenance criteria, the City shall discourage disruption of the natural landform and encourage the maximum use of natural drainage ways in new development. Non-structural flood protection methods, which avoid major construction programs such as channels and favor vegetative measures to protect and stabilized land areas, should be considered as an alternative to constructing concrete channels where feasible.	The project site is relatively flat, with minor sloping. The topography of the project site is generally flat with a gentle slope towards the southwest end of the project site. Elevations vary between approximately 48 feet above mean sea level to approximately 50 feet above mean sea level. The project site is bounded on the north and west by the San Luis Rey River corridor and on the south and east by existing residential properties. Even with proposed grading and earthwork, the project would blend with existing topography. Flood hazards would be minimized through construction of habitable spaces above 100-year flood elevations and adherence to state building code specifications.	The proposed project would be in conformance with this policy.
Policy 6.7	The City shall require appropriate and sufficient screening, fencing, landscaping, open space setbacks, or other permanent mitigation or buffering measures between drainage way corridors and adjacent and surrounding land uses. The employed measures shall be of sufficient scope to minimize, to the maximum extent possible, negative impacts to adjacent surrounding land uses from the particular drainage way corridor.	The proposed project would be compatible with the surrounding land uses. The project proposes to avoid the northwestern corner of the project property to accommodate the encroachment of the Preserve/WCPZ within a 100-foot riparian habitat buffer that also includes the existing flood berm/trail and brow ditch in this area. The project also proposes appropriate retaining walls and fencing along this boundary to restrict human access into the corridor and to ensure that project fuel management	The proposed project would be in conformance with this policy.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		requirements would not directly impact the adjacent wildlife corridor. Refer to Section 4.3. Biological Resources.	
Policy 6.8	The City of Oceanside shall integrate required drainage planning efforts with linear open space amenities and trail corridors throughout the community, while addressing the issues of life safety, attractive nuisances, and long-term maintenance responsibility and costs.	As discussed in Section 4.9, Hydrology and Water Quality, runoff would be conveyed to four on-site bioretention basins prior to being discharged off site. Implementation of a Stormwater Quality Management Plan and proposed on-site drainage system improvements would ensure that the project would not require the construction of new stormwater drainage facilities or the expansion of existing facilities and impacts regarding stormwater runoff are minimized.	The proposed project would be in conformance with this policy.
Circulation System Policy 12.5	Private land developers will continue to be responsible for constructing adjacent and internal Arterial Streets, Collector Streets, and Local Streets necessary to provide access and internal service to their subdivisions in a manner consistent with City standards. Developers will be required to contribute to and correct off-site impacts for local streets, collectors, and arterials to insure and maintain a smooth, functional, and safe circulation system.	As described in the project description, Pala Road would provide the primary vehicular access to the proposed project from a proposed westerly extension of Pala Road at the southern edge of the project site. Secondary access to the project site would be available via Aspen Street, at the midpoint of the project on the east side. Both public road entries lead to the private road with frontage for residences and guest parking. The project proposes sidewalk improvements to Aspen Street, including extending the curb, gutter, and sidewalk on both sides of the street leading to the project site with ADA-accessible corner curbs. A 5-foot curb, gutter, and sidewalk would surround the homes on the interior side of the loop road, with an additional sidewalk along the Pala Road extension into the project site that would connect with corner curbs to the inner loop sidewalk.	The proposed project would be in conformance with this policy.
Community Facilities Financing Policy 14.1	All new development shall pay its proportionate share of the costs of the public facilities necessitated by that development through payment of impact fees for roads, parks and recreation, stormwater management, police service, fire protection and emergency services, City	The project applicant would pay all fees required as part of the development process; such fees include, but are not limited to fair-share circulation network improvement fess and public facility fee requirements as applicable and determined by the City of Oceanside.	The proposed project would be in conformance with this policy.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
	administrative space and City corporation yard, and library services, and payment of connection fees for water and wastewater service.		
Noise Element			
Policy 1	Noise levels shall not be so loud as to cause danger to public health in all zones except manufacturing zones where noise levels may be greater.	As described in Chapter 4.11 of this EIR, project related construction and operation noise would not exceed the noise thresholds analyzed in the Noise Report prepared for the project (Appendix I).	The proposed project would be in conformance with this policy.
Policy 2	Noise shall be controlled at the source where possible.	See Noise Element Policy 1.	The proposed project would be in conformance with this policy.
Policy 3	Noise shall be intercepted by barriers or dissipated by space where the source cannot be controlled.	See Noise Element Policy 1.	The proposed project would be in conformance with this policy.
Policy 4	Noise shall be reduced from structures by the use of soundproofing where other controls fail or are impractical.	See Noise Element Policy 1.	The proposed project would be in conformance with this policy.
Policy 5	Noise levels shall be considered in the approval of any projects or activities, public or private, which requires a permit or other approval from the City.	See Noise Element Policy 1.	The proposed project would be in conformance with this policy.
Recommendation 2	In order to measure noise levels, a noise meter must be acquired. This meter is necessary to identify and measure noise sources and noise levels.	See Noise Element Policy 1.	The proposed project would be in conformance with this recommendation.
Recommendation 4	Truck traffic on residential streets should be prohibited for all vehicles over two tons in weight. This recommendation is based upon complaints from residents subjected to severe noise and	Construction equipment, including trucks, would be required during construction of the proposed project. However, such equipment would remain on-site and	The proposed project would be in

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
	disruptions caused by heavy trucks using residential streets not designated for that purpose. (Oceanside currently has no streets prohibited to trucks in excess of certain weight.)	would not result in traffic in the surrounding neighborhoods. During project operation, no large trucks would be associated with the residential land use.	conformance with this recommendation.
Recommendation 5	Land uses in the City of Oceanside should be planned in order to ensure that residential areas will not be impacted by noise. Approval of any project in the City where the health of future residents or occupants may be adversely affected by noise associated with the site should be taken to reduce or abate the noise effects or should be denied approval and recommended for an alternative site (example- a new rest home or hospital should not be constructed in areas subjected to noise levels 65 dBA or higher).	See Noise Element Policy 1.	The proposed project would be in conformance with this recommendation.
Hazardous Waste Management Element			
Pollution Prevention, Hazardous Waste Reduction Goal	The goal of the City of Oceanside is the prevention of pollution of the City's air, water, and soil by hazardous materials and hazardous waste to the greatest extent possible. In the context of this City HWME.	As discussed in Section 4.2, Air Quality, the project would not result in substantial air pollutant concentrations that would otherwise present a public health hazard. In addition, as outlined in Section 4.9, Hydrology and Water Quality, standard best management practices included in the SWPPP required of the proposed project by the Construction General Permit, and associated hazardous materials handling protocols would be prepared and implemented to ensure the safe storage, handling, transport, use, and disposal of all hazardous materials during the construction phase of the proposed project. Once project construction is complete, the transport, use, or disposal of hazardous materials during the operational phase of the project would be limited to residential cleaning products, landscaping chemicals and fertilizers, and other substances associated with residential uses that are required to comply with all federal, state, and local laws regulating the management and use of hazardous materials. Overall, hazardous materials	The proposed project would be in conformance with this goal.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		release would be minimized and impacts are determined to be less than significant.	
Method A, Method B, Method C, Method D, Method E, Method F, Method G, Method J.	A) The reduction or elimination of the manufacture and use of hazardous materials in order to reduce risks to human health and the environment; B) The reduction of elimination of the generation or production of hazards materials (including wastes); C) The use of safer substitutes for hazardous materials; D) The recycling of hazardous materials whenever possible; E) The prevention and elimination of releases of hazardous materials into all media (air, water and land); F) The alteration or modification of manufacturing practices and/or processes to reduce or eliminate the use of hazardous materials and resulting hazardous wastes; G) The improvement of industrial, commercial, and residential housekeeping practices to eliminate or reduce the quantity or toxicity of hazardous materials and wastes; J) The implementation of practices and/or processes that encourage the on-site treatment through recycling of hazardous.	The proposed project would be required to comply with the current federal, state, and local policies regarding the use, transport, storage, handling, and disposal of hazardous materials. As outlined in Chapters 4.8 and 4.17, project impacts related to hazards and hazardous materials, and solid waste would be less than significant.	The proposed project would be in conformance with these methods.
Method K	Notwithstanding the requirements on large generators of hazardous waste pursuant to SB 14 (Roberti, 1989), the "Hazardous Waste Source Reduction and Management Act of 1989" Health and Safety Code section 25244.12 et seq., all users of reportable quantities of hazardous materials shall file a source reduction plan with the appropriate outside agencies and the City of Oceanside at the time of Business License application. All users of reportable quantities of hazardous materials shall also file regular reports on the implementation of the source reduction plan as required by the City and any other agency. A review of specified source	Please refer to response to Methods A through J above.	The proposed project would be in conformance with this method.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
	reduction measures may be conducted by the City or other designated agency.		
Strategies for Meeting Prevention and Minimization Goals	The City of Oceanside shall work with the San Diego County Hazardous Materials Management Division ("HMMD") in the implementation of its policies and procedures, including those now being developed to implement the provisions of the Hazardous Waste Source Reduction and Management Review Act of 1989. This law is intended to assist hazardous waste generators to reduce hazardous waste. Health and Safety Code section 25244.12 et seq. requires generators to conduct source evaluation reviews and implement source reduction plans, to specify source reduction measures, and to implement the plans and file performance reports concerning the outcome with various agencies. This Act requires and specifies the following requirements for generators of hazardous wastes: a) A hazardous Waste Reduction Plan and a Plan Summary; b) a Hazardous Waste Management Performance report and a Report Summary documenting hazardous waste management approaches implemented by the generator.	Please refer to response to Methods A through J above. The project would comply with all applicable federal, state, and local laws regarding the use, handling, transport, storage, and disposal of hazardous waste. The project, during both the construction and operational phases, would not be considered a generator of substantial hazardous waste.	The proposed project would be in conformance with this goal.
Energy and Climate Action Element			
Goal ECAE-1a	The Oceanside Community Will Significantly Reduce Its Dependence on Fossil Fuels	The project would include sustainability design features to reduce potential energy and water usage, promote pedestrian and bicycle travel, and reduce potential greenhouse gas emissions. The proposed sustainability features include: Solar system for each home Installation of 90% light-emitting diode (LED) lighting or other high-efficiency lightbulbs Energy star or equivalent energy efficient appliances Compliance with Title 24 energy efficiency standards.	The proposed project would be in conformance with this goal.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
		Low-flow water fixtures and appliances Drought-tolerant landscaping and water efficient irrigation system Bicycle parking facilities	
Policy ECAE-1a-1	Incentivize the installation of solar photovoltaic systems in existing development, through community outreach and education, permit streamlining, and support of creative financing programs	The project would include PV solar electricity systems for each of the 54 residences.	The proposed project would be in conformance with this policy.
Policy ECAE-1a-2	Require that new development supply a portion of its energy demand through renewable sources, to the extent practical and financially feasible.	See response to Policy ECAE-1a-1.	The proposed project would be in conformance with this policy.
Policy ECAE-1b-3	In dedicating resources to energy efficiency and conservation in the residential sector, prioritize lower-income households that may lack the financial means to invest in retrofitting and/or other means of reducing energy use.	The project involves the development of 8 lower-income residences that would be equipped with PV solar electricity systems.	The proposed project would be in conformance with this policy.
Policy ECAE-1b-4	Assist lower-income households in accessing financial incentives for energy efficiency and renewable power upgrades.	See response to Policy ECAE-1b-3.	The proposed project would be in conformance with this policy.
Goal ECAE-1c	The City Will Encourage Energy Efficiency and Conservation in New Development	See response to Goal ECAE-1a. The project would comply with Title 24 energy efficiency standards and use energy efficient appliances and lighting.	The proposed project would be in conformance with this goal.
Policy ECAE-1c-2	Encourage passive solar building design in new development.	See response to Policy ECAE-1a-1.	The proposed project would be in conformance with this policy.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Policy ECAE-1c-7	As an alternative to natural gas, encourage building electrification, including electric heat pump appliances, space heaters, and water heaters.	See response to Goal ECAE-1a. The project would comply with Title 24 energy efficiency standards and use energy efficient appliances.	The proposed project would be in conformance with this policy.
Policy ECAE-2a-1	In areas served by transit, promote land use intensities that increase transit ridership and, in turn, the quality and frequency of transit service.	The project area is provided transit service via the North County Transit District (NCTD), which operates the Oceanside Transportation Center located approximately 4.3 miles from the project site. The routes that operate near the project area are routes 303, 309, and 311. Bus stops within a 1-mile radius of the project site include the stops located at Pala Road and Fredricks Avenue, Los Arbolitos Boulevard and Orr Street, and El Camino Real and Mission Avenue. Additionally, the Oceanside Transportation Center has connections to several NCTD routes. The availability of public transportation in the project area provides an alternative mode of transportation to the residents of proposed project and community.	The proposed project would be in conformance with this policy.
Policy ECAE-2b-2	In conjunction with infill and redevelopment projects, pursue opportunities to integrate public open space into the City's urbanized corridors	The project is considered an infill residential development. The project would provide approximately 27,023 square-feet of private common open space which consists of central green space, and the north and south sides of the eastern landscaped area. The project would provide access to adjacent open space areas to the north and west, including the San Luis Rey Reiver bike trail.	The proposed project would be in conformance with this policy.
Goal ECAE-4a	The City Will Be Among The Most Water Efficient Local Jurisdictions In the San Diego Region	As discussed in the response to Goal ECAE-1a, the project and new residencies would utilize low-flow water fixtures and appliances. The project would also plant drought-tolerant landscaping and water efficient irrigation system.	The proposed project would be in conformance with this goal.

Table 4.10-1
City of Oceanside General Plan Consistency Evaluation

Policy Number	Policy Text	Consistency Analysis	Conformance/ Non-conformance
Goal ECAE-5a	By 2035, The City Will Expand Its Tree Canopy To At Least 25% Coverage Citywide.	The project would plant new trees on a site for every residence and in open space areas. The project site currently has no trees as it exists.	The proposed project would be in conformance with this goal.
Policy ECAE-5a-6	Prioritize street tree planting in lower-income neighborhoods.	As discussed in Goal ECAE-5a, new trees would be planted as part of the project, which includes 8 new lower-income residences.	The proposed project would be in conformance with this policy.

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4.11 NOISE

This section describes the existing noise setting of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures as necessary related to implementation of the Cypress Point Project (proposed project). The following analysis is based on the Noise Study for the Cypress Point project, prepared by Ldn Consulting, Inc. in August 2021. The Noise Study is included as Appendix I of this environmental impact report (EIR).

4.11.1 Existing Conditions

4.11.1.1 Methodology

Noise Characteristics and Descriptors

Sound is mechanical energy transmitted by pressure waves in a compressible medium, such as air. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired. The sound-pressure level has become the most common descriptor used to characterize the loudness of an ambient sound level. The unit of measurement of sound pressure is a decibel (dB). Under controlled conditions in an acoustics laboratory, the trained, healthy human ear is able to discern changes in sound levels of 1 dB when exposed to steady, single-frequency signals in the mid-frequency range. Outside such controlled conditions, the trained ear can detect changes of 2 dB in normal environmental noise. It is widely accepted that the average healthy ear, however, can barely perceive noise level changes of 3 dB. A change of 3 dB is readily perceptible, and a change of 10 dB is perceived as twice or half as loud. A doubling of sound energy results in a 3 dB increase in sound, which means that a doubling of sound energy (e.g., doubling the number of daily trips along a given road) would result in a barely perceptible change in sound level.

Sound may be described in terms of level or amplitude (measured in dB), frequency or pitch (measured in hertz or cycles per second), and duration (measured in seconds or minutes). Because the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale is used to relate noise to human sensitivity. The A-weighted decibel (dBA) scale performs this compensation by discriminating against low and very high frequencies in a manner approximating the sensitivity of the human ear.

Several descriptors of noise (noise metrics) exist to help predict average community reactions to the adverse effects of environmental noise, including traffic-generated noise. These descriptors include the equivalent noise level over a given period (L_{eq}), the day–night average noise level (L_{dn}), and the community noise equivalent level (CNEL). Each of these descriptors uses units of dBA.

L_{eq} is a decibel quantity that represents the constant or energy-averaged value equivalent to the amount of variable sound energy received by a receptor during a time interval. For example, a one hour L_{eq} measurement of 60 dBA would represent the average amount of energy contained in all the noise that occurred in that hour. L_{eq} is an effective noise descriptor because of its ability to assess the total time-varying effects of noise on sensitive receptors, which can then be compared to an established L_{eq} standard or threshold of the same duration. Another descriptor is maximum sound level (L_{max}), which is the greatest sound level measured during a designated time interval or event. The minimum sound level (L_{min}) is often called the *floor* of a measurement period.

Unlike the L_{eq}, L_{max}, and L_{min} metrics, L_{dn} and CNEL descriptors always represent 24-hour periods and differ from a 24-hour L_{eq} value because they apply a time-weighted factor designed to emphasize noise events that occur during the non-daytime hours (when speech and sleep disturbance is of more concern). *Time weighted* refers to the fact that L_{dn} and CNEL penalize noise that occurs during certain sensitive periods. In the case of CNEL, noise occurring during the daytime (7:00 a.m. to 7:00 p.m.) receives no penalty. Noise during the evening (7:00 p.m. to 10:00 p.m.) is penalized by adding five dB, and nighttime (10:00 p.m. to 7:00 a.m.) noise is penalized by adding 10 dB. L_{dn} differs from CNEL in that the daytime period is longer (defined instead as 7:00 a.m. to 10:00 p.m.), thus eliminating the dB adjustment for the evening period. L_{dn} and CNEL are the predominant criteria used to measure roadway noise affecting residential receptors. These two metrics generally differ from one another by no more than 0.5 to one dB, and are often considered or actually defined as being essentially equivalent by many jurisdictions.

Vibration Fundamentals

Vibration is oscillatory movement of mass (typically a solid) over time. It is described in terms of frequency and amplitude and, unlike sound, can be expressed as displacement, velocity, or acceleration. For environmental studies, vibration is often studied as a velocity that, akin to the discussion of sound pressure levels, can also be expressed in dB as a way to cast a large range of quantities into a more convenient scale. Vibration impacts to buildings are generally discussed in terms of inches per second (ips) peak particle velocity (PPV), which will be used herein to discuss vibration levels for ease of reading and comparison with relevant standards. Vibration can also be annoying and thereby impact occupants of structures, and vibration of sufficient amplitude can disrupt sensitive equipment and processes, such as those involving the use of electron microscopes and lithography equipment. Common sources of vibration within communities include construction activities and railroads. Groundborne vibration generated by construction projects is usually highest during pile driving, rock blasting, soil compacting, jack hammering, and demolition-related activities where sudden releases of subterranean energy or powerful impacts of tools on hard materials occur. Depending on their distances to a sensitive receptor, operation of large bulldozers, graders, loaded dump trucks, or other heavy construction equipment and vehicles on a construction site also have the potential to cause high vibration amplitudes. The maximum

vibration level standard used by the California Department of Transportation (Caltrans) for the prevention of structural damage to typical residential buildings is 0.3 ips PPV.

Effect of Noise

Excessively noisy conditions can affect an individual's quality of life, health, and well-being. The effects of noise can be organized into six broad categories: sleep disturbance, permanent hearing loss, human performance and behavior, social interaction or communication, extra-auditory health effects, and general annoyance. An individual's reaction to noise and its level of disturbance depends on many factors such as the source of the noise, its loudness relative to the background noise level, time of day, whether the noise is temporary or permanent, and subjective sensitivity.

4.11.1.2 Existing Noise Environment

Existing Noise Environment On-site

Noise measurements were taken November 25, 2020 in the midday hours using a Larson-Davis Model LxT Type 1 precision sound level meter, programmed, in "slow" mode, to record noise levels. The sound level meter and microphone were mounted on a tripod, five feet above the ground, and equipped with a windscreen during all measurements. The sound level meter was calibrated before and after the monitoring using a Larson-Davis calibrator, Model CAL 200.

Monitoring location 1 (ML1) was located at the southern end of the project site near Pala Road (see Figure 4.11-1). The results of the noise level measurements are presented in Table 4.11-1. The noise measurements were monitored for a time period of 15 minutes during normal traffic conditions. The existing noise levels in the project area consisted primarily of traffic from nearby Pala Road and aircraft activity from nearby Oceanside Municipal Airport. The ambient L_{eq} noise level measured in the area of the project during the midday hours was found to be roughly 48 dBA L_{eq}. The statistical indicators L_{max}, L_{min}, L_{10}, L_{50}, and L_{90}, are given for the monitoring location. As can be seen from the L_{90} data, 90% of the time the noise level is 42 dBA from roadway and aircraft activity. The noise measurement data is also included in Appendix I.

Table 4.11-1
Measured Ambient Noise Levels

Measurement Identification	Main Noise Source	Time	Noise Levels (dBA)					
			L_{eq}	L_{min}	L_{max}	L_{10}	L_{50}	L_{90}
M1	Pala Road	12:45-1:00 p.m.	48.1	40.0	60.2	51.0	44.4	41.9

Source: Appendix I.

The proposed project is near the Oceanside Municipal Airport area but is not within any of the noise contours due to infrequent aircraft over flights. Noise from the Oceanside Municipal Airport would not be expected to exceed 65 dBA CNEL.

On-site Roadway Noise

The primary source of noise impacts to the project site is from vehicular noise from Pala Road. The projected roadway noise levels from vehicular traffic were calculated using the methods in the Highway Noise Model published by the Federal Highway Administration (FHWA 1978). The FHWA Model uses the traffic volume, vehicle mix, speed, and roadway geometry to compute the equivalent noise level. Table 4.11-2 presents the roadway parameters used in the analysis including the average daily traffic volumes, speeds and the traffic flow distribution (vehicle mix). The vehicle mix provides the distribution percentages of automobile, medium and heavy trucks for input into the FHWA Model.

Table 4.11-2
Traffic Parameters

Roadway	Year	Average Daily Traffic (ADT)	Peak Hour Volume	Modeled Speeds (MPH)	Vehicle Mix %		
					Auto	*Medium Trucks*	*Heavy Trucks*
Pala Road	2035	5,700[1]	570	30	96	2	2

Source: Appendix I.
Note:
1 SANDAG Series 13, Model Year 2035

4.11.2 Regulatory Setting

Federal

Federal Transit Administration

In its Transit Noise and Vibration Impact Assessment guidance manual, the Federal Transit Administration (FTA) recommends a daytime construction noise level threshold of 80 dBA L_{eq} over an eight hour period when detailed construction noise assessments are performed to evaluate potential impacts to community residences surrounding a project (FTA 2006). Although this FTA guidance is not a regulation, it can serve as a quantified standard in the absence of such limits at the state and local jurisdictional levels.

State

California Code of Regulations, Title 24

Title 24 of the California Code of Regulations sets standards that new development in California must meet. According to Title 24 (Part 2, Volume 1, Chapter 12 – Interior Environment, Section 1206.4), interior noise levels attributed to exterior noise sources are not to exceed 45 dBA CNEL for any habitable room.

California Department of Health Services Guidelines

The California Department of Health Services has developed guidelines of community noise acceptability for use by local agencies. Selected relevant levels are listed here:

- Below 60 dBA CNEL: normally acceptable for low-density residential use
- 50 to 70 dBA: conditionally acceptable for low-density residential use
- Below 65 dBA CNEL: normally acceptable for high-density residential use and transient lodging
- 60 to 70 dBA CNEL: conditionally acceptable for high-density residential, transient lodging, churches, educational, and medical facilities

The normally acceptable exterior noise level for high-density residential use is up to 65 dBA CNEL. Conditionally acceptable exterior noise levels range up to 70 dBA CNEL for high-density residential use.

California Department of Transportation

In its Transportation and Construction Vibration Guidance Manual, Caltrans recommends a vibration velocity threshold of 0.2 ips PPV for assessing annoying vibration impacts to occupants of residential structures. Although this Caltrans guidance is not a regulation, it can serve as a quantified standard in the absence of such limits at the local jurisdictional level. Similarly, thresholds to assess building damage risk due to construction vibration vary with the type of structure and its fragility, but tend to range between 0.2 ips and 0.3 ips PPV for typical residential structures.

Local

City of Oceanside General Plan Noise Element

The Noise Element of the City of Oceanside (City) General Plan establishes target maximum noise levels in the City. The Noise Element provides the following limitations on construction noise (City of Oceanside 1974):

1. It should be unlawful for any person within any residential zone of 500 feet there from to operate any pile driver, power shovel, pneumatic, power hoist, or other construction equipment between 8:00 p.m. and 7:00 a.m. generating an ambient noise levels of 50 dBA at any property line unless an emergency exists.
2. It should be unlawful for any person to operate any construction equipment at a level in excess of 85 dBA at 100 feet from the source.
3. It should be unlawful for any person to engage in construction activities between 6:00 p.m. and 7:00 a.m. when such activities exceed the ambient noise level by 5 dBA. A special permit may be granted by the Director of Public Works if extenuating circumstances exist.

In addition, the Noise Element addresses nuisance noise and states that it should be unlawful for any person to make or continue any loud, unnecessary noise that causes annoyance to any reasonable person of normal sensitivity.

The City's Noise Element outlines general goals, objectives, and noise policies as follows:

Goal: To minimize the effects of excessive noise in the City of Oceanside.

Objective: To protect the residents and visitors to Oceanside from noise pollution. To improve the quality of Oceanside's environment.

Policies:

- Noise levels shall not be so loud as to cause danger to public health in all zones except manufacturing zones where noise levels may be greater.
- Noise shall be controlled at the source where possible.
- Noise shall be intercepted by barriers or dissipated by space where the source cannot be controlled.
- Noise levels shall be considered in any change to the Land Use and Circulation Elements of the City's General Plan.
- Noise levels of City vehicles, construction equipment, and garbage trucks shall be reduced to acceptable levels.

In a manner similar to the state's land use planning guidelines, the City's Noise Element establishes an implementation recommendation (#5) that puts attention to the careful planning of future residents in areas "subjected to noise levels of 65 dBA or higher."

For interior noise, the Noise Element refers to the aforementioned California Title 24 noise insulation standard: 45 dBA CNEL as the maximum acceptable level for inhabited rooms when exterior noise levels are 60 dBA CNEL or more. This implies that if windows and doors are required to be closed to meet this standard, then mechanical ventilation (i.e., air conditioning) shall be included in the project design.

The City of Oceanside has not yet adopted vibration criteria. The United States Department of Transportation Federal Transit Administration (FTA) provides criteria for acceptable levels of groundborne vibration for various types of special buildings that are sensitive to vibration. For purposes of identifying potential project-related vibration impacts, the FTA criteria will be used. The human reaction to various levels of vibration is highly subjective. The upper end of the range shown for the threshold of perception, or roughly 65 VdB, may be considered annoying by some people. Vibration below 65 VdB may also cause secondary audible effects, such as a slight rattling of doors, suspended ceilings/fixtures, windows, and dishes, any of which may result in additional annoyance (refer to Table 3-1 in Appendix I, Groundborne Vibration and Noise Impact Criteria). In addition to the vibration annoyance standards, the FTA also applies standards for construction vibration damage. Structural damage is possible for typical residential construction when the peak particle velocity (PPV) exceeds 0.2 inch per second (refer to Table 3-2 in Appendix I, Groundborne Vibration Impact Criteria).

This criterion is the threshold at which there is a risk of damage to normal dwellings. The noise and vibration impacts associated with construction of the proposed project would be conditioned to comply with the thresholds stated above.

City of Oceanside Noise Control Ordinance

Chapter 38, Noise Control, of the Oceanside Municipal Code governs operational noise and contains the maximum 1-hour average sound levels for various land uses for operational noise (Table 4.11-3). The Noise Control Ordinance (Noise Ordinance) sets an allowed level for areas in the Single-Family Residential zone to be 50 dBA L_{eq} from 7:00 a.m. to 9:59 p.m. (daytime), and 45 dBA L_{eq} from 10:00 p.m. to 6:59 a.m. (nighttime) (City of Oceanside 2021).

Table 4.11-3
City of Oceanside Exterior Noise Standards

Zone	Applicable Limit (decibels) 1	Time Period
Residential Estate, Single-Family Residential, Medium Density Residential, Agricultural, Open Space	50 45	7:00 a.m. to 9:59 p.m. 10:00 p.m. to 6:59 a.m.
High Density, Residential Tourist	55 50	7:00 a.m. to 9:59 p.m. 10:00 p.m. to 6:59 a.m.
Commercial	65 60	7:00 a.m. to 9:59 p.m. 10:00 p.m. to 6:59 a.m.
Industrial	70 65	7:00 a.m. to 9:59 p.m. 10:00 p.m. to 6:59 a.m.
Downtown	65 55	7:00 a.m. to 9:59 p.m. 10:00 p.m. to 6:59 a.m.

Source: City of Oceanside 2021
Note:
1 One-hour average sound level.

Construction activities are subject to Section 38.17 of the Noise Ordinance, which specifically prohibits the operation of any pneumatic or air hammer, pile driver, steam shovel, derrick, steam, or electric hoist, parking lot cleaning equipment, or other appliance, the use of which is attended by loud or unusual noise, between the hours of 10:00 p.m. and 7:00 a.m.

Section 38.16 prohibits nuisance noise as recommended in the City's General Plan Noise Element. It is unlawful for any person to make, continue, or cause to be made or continued within the limits of the City any disturbing, excessive, or offensive noise that causes discomfort or annoyance to reasonable persons of normal sensitivity. However, Section 35.15 provides construction, maintenance or other public improvement activities by government agencies or public utilities may be exempt from the noise level limits upon the city manager (or manager's designee) determination that the authorization furthers the public interest.

City of Oceanside Engineering Manual

Construction noise in the City is governed by the City Engineering Manual (City of Oceanside 2004), which states the following:

> All operations conducted on the premises, including the warming up, repair, arrival, departure, or running of trucks, earthmoving equipment, construction equipment, and any other associated equipment shall be limited to the period between 7:00 a.m. and 6:00 p.m. each day, Monday through Friday, and no earthmoving or grading operations shall be conducted on the premises on Saturdays, Sundays or legal holidays, unless waived by the City Engineer. (Engineers Design and Processing Manual Appendix Construction Guidelines and Requirements, Page 139)

Hours of Operation (515)(34): 7:00 am to 6:00 p.m. M-F; including equipment warm-up.

Saturday Operation: Requires filing a permit by 2:30 p.m. on the preceding Thursday. (Engineers Design and Processing Manual Appendix Construction Guidelines and Requirements, Page 159)

4.11.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts related to noise are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to noise would occur if the proposed project would:

1. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
2. Result in generation of excessive groundborne vibration or groundborne noise levels?
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such 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?

In light of these above significance criteria, this analysis uses the significance thresholds and standards outlined in Section 3.0 of Appendix I to evaluate potential noise and vibration impacts.

Per Section 38.12 of the City's Municipal Code, the Noise Control Ordinance (Noise Ordinance) sets an allowed level for areas in the Single-Family Residential zone to be 50 dBA L_{eq} from 7:00 a.m. to 9:59 p.m. (daytime), and 45 dBA L_{eq} from 10:00 p.m. to 6:59 a.m. (nighttime) (City of Oceanside 2021). As both the proposed project site and the existing residences immediately to the east and south are within the Residential (Single-Family, Medium Density and High Density) zone, the arithmetic mean of the noise limits for such zones sharing a joint boundary would be the same: 50 dBA L_{eq} (daytime) and 45 dBA L_{eq} (nighttime).

4.11.4 Impacts Analysis

Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Short-Term Construction

Construction noise represents a short-term impact on the ambient noise levels. Noise generated by construction equipment includes haul trucks, water trucks, graders, dozers, loaders, and scrapers and can reach relatively high levels. Grading activities typically represent one of the highest potential sources for noise impacts. The most effective method of controlling construction noise is through local control of construction hours and by limiting the hours of construction to normal weekday working hours.

Because the City of Oceanside does not have property line standards for construction, the County of San Diego 75 dBA L_{eq} standard is utilized in the analysis. Section 36.408 and 36.409 of the County of San Diego Municipal Code addresses the limits of disturbing or offensive construction noise. The Municipal Code states that with the exception of an emergency, it should be unlawful to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during an 8-hour period from 7:00 a.m. to 7:00 p.m.

The U.S. Environmental Protection Agency (U.S. EPA) has compiled data regarding the noise generating characteristics of specific types of construction equipment. Noise levels generated by heavy construction equipment can range from 60 dBA to in excess of 100 dBA when measured at 50 feet. However, these noise levels diminish rapidly with distance from the construction site at a rate of approximately 6 dBA per doubling distance. For example, a noise level of 75 dBA measured at 50 feet from the noise source to the receptor would be reduced to 69 dBA at 100 feet from the source to the receptor, and reduced to 63 dBA at 200 feet from the source (Appendix I).

Using a point-source noise prediction model, calculations of the expected construction noise levels were completed. The essential model input data for these performance equations include the source levels of the equipment, source to receiver horizonal and vertical separations, the amount of time the equipment is operating in a given day (also referred to as the duty-cycle), and any transmission loss from topography or barriers.

Based on the EPA noise emissions, empirical data and the amount of equipment needed, the worse-case noise levels from the construction equipment operations would occur during the base operations (grading/site preparation). Due to physical constraints and normal site preparation operations, most of the equipment will be spread out over the site. Based on the proposed site plan, majority of grading

operations would occur more than 100 feet from the nearest property lines. It is expected that the worst-case noise condition would occur when the construction equipment is working in close proximity to each other at an average distance of approximately 90 feet from the property lines (Appendix I). The noise levels utilized in this analysis are shown in Table 4.11-4. The amount of time the equipment will be utilized over an 8-hour period at this distance from the property line is also given and factored into the average noise level calculations. This is referred to as the duty-cycle.

Table 4.11-4
Construction Noise Levels

Equipment Type	Quantity Used	Source at 50 Feet (dBA)	Cumulative Noise Level at 50 Feet (dBA)
Tractor/Backhoe/Loader	1	72	72.0
Dozer Cat	1	74	74.0
Grader	1	73	73.0
Water Trucks	1	70	70.0
Scraper	1	75	75.0
		Cumulative Level	**80.1**
		Distance to Sensitive Use	**90**
		Noise Reduction due to Distance	**-5.1**
		Property Line Noise Level	**75.0**

Source: Appendix I.

Paving operations are expected to be in close proximity to the eastern property line, adjacent to the existing residential uses. The amount of equipment utilized would be limited due to alignment and work area constraints. Noise levels from paving activities are linear and the equipment would be moving along the property line at an average distance of 20 feet from the existing residences. Based on noise measurements taken at a similar residential development, the roadway paving operations are anticipated to move along the property line in 200 to 300 foot increments. The average hourly construction noise levels were found to be approximately 72 dBA Leq or lower at 50 feet. At a distance of 20 feet, the noise levels could increase to approximately 76-80 dBA may be experienced at local residences at any specific location. However, there is existing fencing at the residences that would reduce the noise levels below the average 75 decibels during an 8-hour period.

Therefore, for the reasons stated above, and as reflected in Table 4.11-4, none of the proposed construction equipment would exceed the City of Oceanside 85 dBA standard at 100 feet from the source. The project would meet the County of San Diego 75 dBA Leq standard and impacts related to short-term construction noise are determined to be less than significant.

Long-Term Operational

On-Site Roadway Noise

As described in Section 4.11.1.2 above, the primary source of noise impacts to the project site is from vehicular noise from Pala Road. The projected roadway noise levels from vehicular traffic were calculated using the methods in the Highway Noise Model published by the Federal Highway Administration (FHWA). The FHWA Model uses the traffic volume, vehicle mix, speed, and roadway geometry to compute the equivalent noise level. Table 4.11-2 above presents the roadway parameters used in the analysis including the average daily traffic volumes, speeds, and the traffic flow distribution (vehicle mix). The vehicle mix provides the distribution percentages of automobile, medium and heavy trucks for input into the FHWA Model.

Based on the exterior noise model for the roadways, the worse-case exterior noise level at the building facades nearest the roadways is 63.8 dBA CNEL along Pala Road at a distance of 50-feet from the centerline. The model does not take into account any noise reductions for existing or proposed structures, barriers, or topographic features. Proposed residential rear yards would be set back a minimum 75 feet from the centerline of Pala Road. Based on the increased distance from the roadway, the noise level would be reduced to a worst-case exterior noise level of 62.0 dBA CNEL. Based upon these findings noise mitigation is not necessary to comply with the City's 65 dBA Noise standards and no additional modeling is required.

Off-site *Project Related Transportation Noise Levels*

To determine if direct or cumulative off-site noise level increases associated with the development of the proposed project would create noise impacts, the traffic volumes for the existing conditions were compared with the traffic volume increase of existing plus the proposed project. The project is estimated to only generate 540 daily trips with peak hour volume of 54 trips according to the project transportation assessment (Appendix N). The existing average daily traffic volume along Pala Road is 1,480 ADT. The existing average daily traffic (ADT) volumes on the remaining area roadways are more than several thousand ADT. Typically, it requires a project to double (or add 100%) the traffic volumes to have a direct impact of 3 dBA CNEL or be a major contributor to the cumulative traffic volumes. The project will add approximately 36% more traffic to Pala Road and approximately 25% or less increase to the remaining roadway volumes and no direct or cumulative impacts are anticipated (please refer to Chapter 4.15 Traffic and Circulation for a detailed analysis on project related traffic volumes).

Potential Project Operational Noise

Fixed or point sources radiate outward uniformly as sound travels away from the source. Their sound levels attenuate or drop off at a rate of 6 dBA for each doubling of distance. For example, a noise level of 75 dBA measured at 3 feet from the noise source to the receptor would be reduced to 69 dBA at 6 feet from the source to the receptor and 63 dBA at a distance of 12 feet.

Ground mechanical ventilation units (HVAC) will be installed at the proposed residential units. The project anticipates installing Carrier CA15NA (Series, 24-A) or equivalent HVAC units with a reference noise level of 71 dBA at 3-feet (Source: Carrier). The manufacturer's specifications and noise levels are provided in Appendix I as Attachment A. The HVAC units will cycle on and off throughout the day. Typically, HVAC units run for approximately 20 minutes each operating cycle to provide the necessary heating or cooling. It is anticipated that the HVAC units will operate twice in any given hour or run for 40 minutes in any given hour. Noise levels drop 3 decibels each time the duration of the source is reduced in half. Therefore, hourly HVAC noise level over a 40 minute period would be reduced approximately 2 decibels to 69 dBA based on operational time. To predict the property line noise level, a reference noise level of 69 dBA at 3-feet was used to represent the HVAC units. The HVAC units are located a minimum of 60 feet from the property lines and are shielded by the proposed homes, solid side yard fences and solid perimeter fencing, six (6) feet in height, as shown in Figure 3-A of Appendix I. The solid fencing will be vinyl, ¾-inch or thicker consisting of solid panels on minimum 4x4-inch posts with no cracks or gaps through or below and all seams or cracks will be filled or caulked. The typical locations of the proposed HVAC units are also shown in Figure 4-D of Appendix I. Two HVAC units maybe located near each other with a side yard fence separating them and would create the worst case cumulative noise level. The remainder of the units are separated by at least 30 feet and have a 6-foot side yard fence shielding them. This separation of 30 feet would result in a 20 dBA difference between two separate HVAC units and would not cumulatively increase the noise levels. Therefore, the worst case combined noise from the HVAC would occur from two units.

Utilizing a 6 dBA decrease per doubling of distance, noise levels at the nearest property line as described above were calculated for the HVAC. The noise levels associated with the HVAC will be limited by the existing 6-foot perimeter fencing and 6-foot side yard fencing that will shield them both visually and acoustically. The HVAC units are located a minimum of 60 feet from the nearest property lines. To determine the noise level reductions from the perimeter fencing, the Fresnel Barrier Reduction Calculations based on distance, source height, receiver elevation and the top of barrier were modeled (Appendix I). The adjacent receptor was located 5 feet behind the perimeter fencing. The noise level reductions due to distance and the fencing for the nearest property line is provided in Table 4-3 of Appendix I. The Fresnel barrier reduction calculations for the fencing are provided in Appendix I as Attachment B.

No significant impacts are anticipated at the property lines with the existing 6-foot perimeter fencing and proposed 6-foot side yard fencing as shown in Figure 4-D of Appendix I. All other property lines are located further from the proposed HVAC units and the resulting noise levels would also be below the 45 dBA threshold. Therefore, impacts related to operational noise impacts would be less than significant.

Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction activities may expose persons to excessive groundborne vibration or groundborne noise, causing a potentially significant impact. Caltrans has collected groundborne vibration information related to construction activities. Information from Caltrans indicates that continuous vibrations with a PPV of approximately 0.2 ips is considered annoying. For context, heavier pieces of construction equipment, such as a bulldozer that may be expected on the project site, have peak particle velocities of approximately 0.089 ips or less at a reference distance of 25 feet (Appendix I).

The nearest vibration-sensitive uses are the existing residences located 50 feet or more from the proposed construction. The anticipated construction equipment will be spread out over the site working in different portions of the site as needed. Table 4.11-5 lists the average vibration that would be experienced at the nearest vibration sensitive land uses from the temporary construction activities. Vibration levels were assessed at a distance of 50 feet to be conservative.

Table 4.11-5
Vibration Levels from Construction Activities (Residential Receptors)

Equipment	Approximately Velocity Level at 25 Feet (VdB)	Approximate RMS Velocity at 25 Feet (in/sec)	Approximately Velocity Level at 50 Feet (VdB)	Approximate RMS Velocity at 50 Feet (in/sec)
Small bulldozer	58	0.003	49.0	0.0011
Jackhammer	79	0.035	70.0	0.0124
Loaded trucks	86	0.076	77.0	0.0269
Large bulldozer	87	0.089	78.0	0.0315
		FTA Criteria	80	0.2
		Significant Impact?	**No**	**No**

Source: Appendix I.
Notes: PPV at Distance D = PPVref x $(25/D)^{1.5}$

The FTA has determined vibration levels that would cause annoyance to a substantial number of people and potential damage to building structures. The FTA criterion for vibration induced structural damage is 0.20 in/sec for the peak particle velocity (PPV). Project construction activities

would result in PPV levels below the FTA's criteria for vibration induced structural damage. Therefore, project construction activities would not result in the potential for vibration induced structural damage to residential buildings near the demolition and construction areas.

Furthermore, construction activities would generate levels of vibration that would not exceed the FTA criteria for nuisance for nearby residential uses. Given attenuation of vibration velocities with distance, the RMS vibration velocity and peak particle velocity at the nearest existing residence would be approximately 78 VdB and 0.03 inch per second, respectively. Based on the construction vibration human annoyance criterion of 80 VdB published by the FTA, the vibration levels for the construction activity on nearby residential structures would not be significant.

Once operational, the proposed project would not be expected to feature major producers of groundborne vibration. Anticipated mechanical systems like heating, ventilation, and air-conditioning units are designed and manufactured to feature rotating (fans, motors) and reciprocating (compressors) components that are typical of such residential land uses are not expected to result in substantial vibration on- or off-site.

For the reasons outlined above, potential vibration impacts due to proposed project construction and operation is determined to be **less than significant**.

For a project located within the vicinity of a private airstrip or 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?

There are no private airstrips within the vicinity of the project site. The closest airport to the project site is the Oceanside Municipal Airport, approximately 1.3 miles southwest of the site. The project site is not within any of the noise contours of the Ocean Municipal Airport due to infrequent aircraft over flights and noise from the Oceanside Municipal Airport would not be expected to exceed 65 dBA CNEL. Therefore, impacts from aviation overflight noise exposure is determined to be **less than significant**.

4.11.5 Mitigation Measures

Impacts related to noise as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.11.6 Level of Significance After Mitigation

No substantial impacts related to noise were identified; therefore, no mitigation measures are required. Impacts related noise would be **less than significant**.

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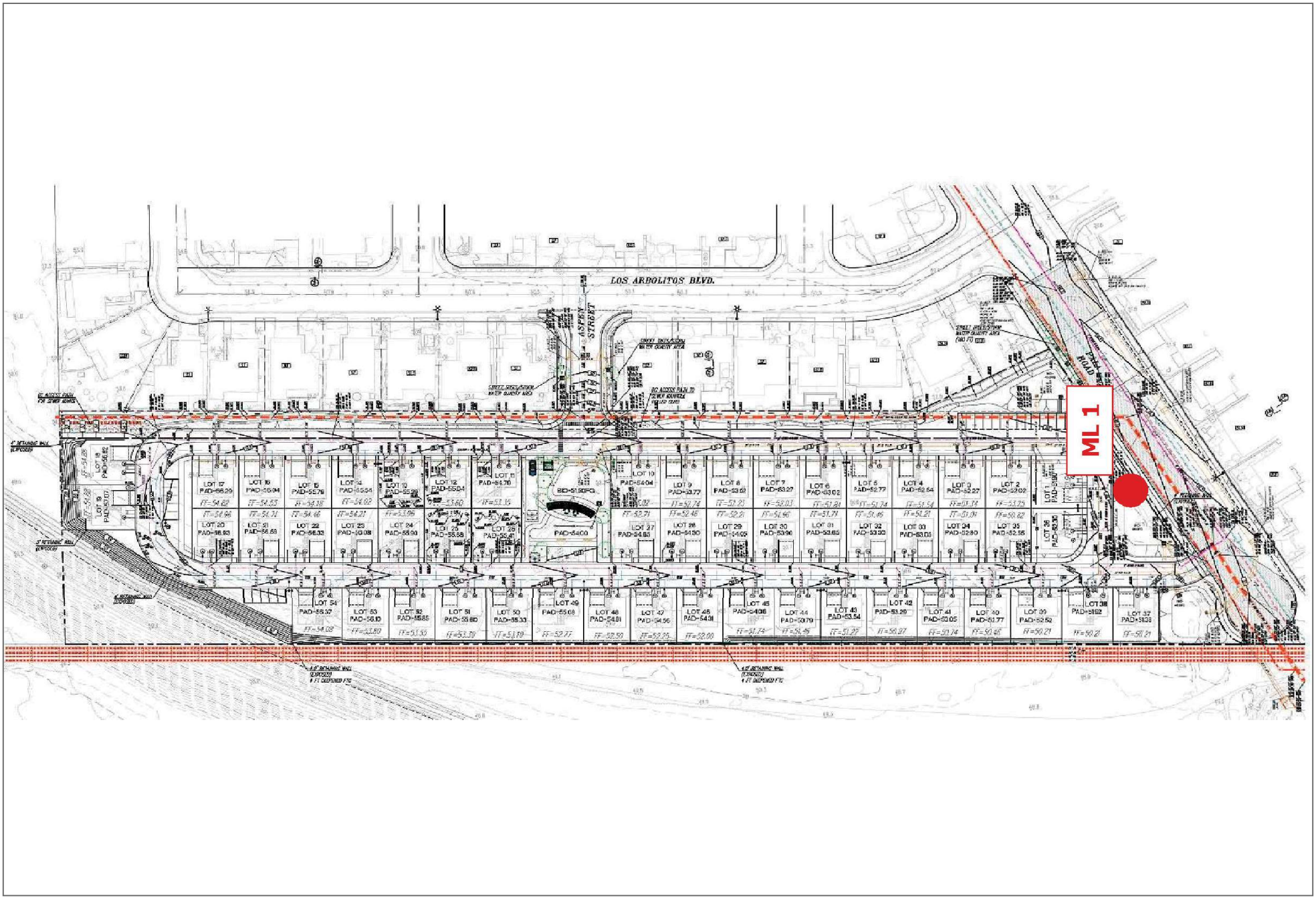

SOURCE: Omega Engineering 2020

FIGURE 4.11-1

Ambient Noise Monitoring Location

Cypress Point Project Environmental Impact Report

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4.12 POPULATION AND HOUSING

This chapter describes the existing setting of the project site, identifies associated regulatory requirements, evaluates potential population and housing impacts, and identifies mitigation measures related to implementation of the Cypress Point project (proposed project) on population and housing in the City of Oceanside (City).

4.12.1 Existing Conditions

This section provides background information regarding population and housing forecasts for the City of Oceanside based upon demographic information from the San Diego Association of Governments (SANDAG), and the City's Housing Element (2013-2021). The City released a Draft of the 2021-2029 Housing Element Update in March 2021 for the California Department of Housing and Community Development's (HCD) review. Although still in draft form and under review by HCD at the time this EIR was prepared, information from the Draft 2021-2029 Housing Element Update is referenced throughout this EIR Chapter.

City of Oceanside

Population

The City of Oceanside is located in the northwestern most part of San Diego County, which includes a total of 18 cities and unincorporated land and has a total population of 3,338,330 (USCB 2019). The City of Oceanside occupies approximately 42 square miles and had a population of 175,742 as of 2019 (USCB 2019). The City comprises approximately 5 % of the population of San Diego County. Table 4.12-1 summarizes population growth within the City since 2000. As shown in Table 4.12-1, the City has maintained a relatively low level of population growth.

Table 4.12-1
Past Population Growth within Oceanside

Year	Population	Change	Percent Change
2000	160,905	----	----
2010	167,086	6,181	3.8
2015	175,691	8,605	5.2
2019	175,742	51	0.2

Source: U.S. Census Bureau (USCB) 2000, USCB 2010, USCB 2019

The San Diego Association of Governments (SANDAG) projects that population growth will increase the greatest from 2016-2025 but will then slowly decrease back to the relatively low population growth that has been typical within the City the last 20 years. SANDAG also forecasts the growth of jobs and housing, as shown in Table 4.12-2.

Table 4.12-2
Oceanside Regional Growth Forecast

Factors	Years			
	2016	*2025*	*2035*	*2050*
Population	176,461	183,541	183,541	187,728
Housing	66,200	69,725	72,246	74,913
Jobs	44,898	46,379	52,286	56,767

Source: SANDAG 2019a.

Housing

According to the California Department of Finance, the City of Oceanside had 66,078 housing units in January 2020. Table 4.12-3 provides a breakdown of housing units in Oceanside by type. A majority of the housing units are single-family, which comprises approximately 64 % of the total housing units, reflecting the City's family-oriented population and suburban neighborhoods character. Multi-family units make up approximately 31 % of total units, while mobile houses account for the remaining 5 % of total housing units.

Table 4.12-3
Housing Units in Oceanside by Type: 2020

Unit Type	Total Units	
	Number	*Percentage*
Single-family detached	34,640	52.4
Single-family attached	7,603	11.5
Multi-family (2-4 units)	5,783	8.8
Multi-family (5+ units)	14,777	22.4
Mobile-Home	3,275	4.9
Total	**66,078**	**100**

Source: California Department of Finance 2020

Housing tenure (owner versus renter) is an important indicator of the housing market. Communities need an adequate supply of units available both for rent and owner occupancy in order to accommodate a range of households with varying income, family size, composition and lifestyle. Just over half of the housing units in the City are owner-occupied, with a total vacancy rate of 7% (City of Oceanside 2021-2029 Draft Housing Element). Per the City's Draft 2021-2029 Housing Element, the total housing growth need allocated to the City of Oceanside for the 2021-2029 Housing Element is 5,443 units. This total is distributed by income categories as follows: very low – 1,268 units (23%); low – 718 units (13%); moderate 883 units (16%); and above moderate – 2,574 (47%).

State law requires quantification and analysis of existing and projected housing needs of extremely low income (ELI) households. Extremely low income is defined as less than 30% of area median income. The 2020 area median income for San Diego County was approximately $92,700. For ELI households, this results in an income of $34,650 or less for a four-person household, when adjusted for high housing costs. Households with extremely low incomes have a variety of housing challenges and needs. According to the Census Bureau ACS estimates, approximately 8,970 ELI households resided in the City. Approximately 68% of ELI renter-households had housing cost burden, and about 61% of ELI owners were cost burdened. Cost burden occurs when housing costs exceed 30% of gross household income. The projected housing need for ELI households is assumed to be 50% of the very low income regional housing need of 1,268 units. As a result, the City has a projected need for 634 ELI units (City of Oceanside 2021-2029 Draft Housing Element).

Employment

Employment and job growth have an influence on housing needs in the region and in the City. As shown in Table 4.12-4, about two-thirds of the population aged 16+ were in the labor force in 2018 in the City.

Table 4.12-4
Labor Force in Oceanside

Labor Force Status	Persons	Percentage
Population 16 years and over	142,187	100%
In labor force	91,921	65%
Civilian labor force	89,501	63%
Employed	83,950	59%
Unemployed	5,551	4%
Armed Forces	2,420	2%
Not in labor force	50,266	35%

Source: City of Oceanside 2021-2029 Draft Housing Element

SANDAG's forecast of job growth for the City and the San Diego region from 2010 to 2050 estimates that the City's job growth is projected to be faster than the San Diego region until 2035, at which point growth slows compared to the region. While growth was projected to be 17% between 2010 and 2020, it slows to 10% between 2020 and 2035, and only 2% between 2035 and 2050 (City of Oceanside 2021-2029 Draft Housing Element).

Project Site

The project site is currently vacant land, surrounded by residential uses and open space. Currently, there are no people residing on the project site. The project site has a General Plan land use designation of Single Family Detached Residential (SFD-R) and is zoned RS-Single family residential.

Per the City's General Plan Housing Element (2013-2021), the SFD-R land use designation and RS zoning district allows for single family residential dwellings at a density of 3.6 to 5.9 dwelling units per gross acre; existing duplexes, triplexes, and four-plexes may remain as permitted uses. Surrounding areas are zoned open space in the areas adjacent to the San Luis Rey River corridor, and the nearby neighborhoods to the east and south of the project site contain a variety of residential zones including, RS (Single-Family Residential District), RM-A (Medium Density A District), RM-B (Medium Density B District), and RH (High-Density Residential District).

As described in Chapter 3 of this EIR, the property was sold as surplus land by the City to Concordia Communities, LLC. Under the Surplus Lands Act of California, if a project is developed with 10 or more residences, no fewer than 15% of those residences must be designated as "affordable" as defined by the state. Of the proposed 54 single-family homes, 8 of the units would be affordable/low-income units, and the remaining 46 units would be considered market rate units, which complies with both the Surplus Lands Act and Density Bonus Law provisions regarding affordable housing. Affordable units would be commensurate to the overall project in unit size and dispersed throughout the project having access to all amenities available to the market rate units.

4.12.2 Regulatory Setting

State

California Government Code (Sections 65580-65590)

State law mandates local communities to plan for enough housing to meet projected growth in California. Article 10.6 of the California Government Code (Sections 65580-65590) requires each County and City to prepare a Housing Element of its General Plan. The housing element is one of seven state-mandated elements that every General Plan must contain, and it is required to be updated every 5 years and determined legally adequate by the State. The purpose of the housing element is to identify the community's housing needs; state the community's goals and objectives with regards to housing production, rehabilitation, and conservation to meet those needs; and define the policies and programs that the community will implement to achieve the stated goals and objectives.

California Government Code (Section 65915)

California Government Code Section 65915 includes requirements for local governments to provide incentives and a density increase over the otherwise maximum allowable residential density under the Municipal Code and the Land Use Element of the General Plan (or bonuses of equivalent financial value) when builders agree to construct housing developments with units affordable to lower or moderate income households.

The State has recently passed several bills that change the State Density Bonus law, including but not limited to the following:

- AB 1763 (Density Bonus for 100 % Affordable Housing) – Density bonus and increased incentives for 100 % affordable housing projects for lower income households.
- SB 1227 (Density Bonus for Student Housing) – Density bonus for student housing development for students enrolled at a full-time college, and to establish prioritization for students experiencing homelessness.
- AB 2345 (Increase Maximum Allowable Density) – Revised the requirements for receiving concessions and incentives, and the maximum density bonus provided.

Regional

San Diego Association of Governments

The San Diego Association of Governments (SANDAG) is a public agency, composed of 18 cities and the County of San Diego, which builds strategic plans guiding the San Diego region in land use, growth, economics, and the environment. SANDAG also provides population and housing estimates for the region, which are based, in part, on local jurisdictional planning data, and inform regional planning.

The SANDAG Regional Comprehensive Plan, adopted in 2004, provides a long-term planning framework for the San Diego Region. The Regional Comprehensive Plan identified smart growth and sustainable development as important strategies to direct the region's future growth toward compact, mixed-use development in urbanized communities that already have existing and planned infrastructure, and then toward connecting those communities with a variety of transportation choices.

In 2011, SANDAG approved the 2050 RTP/SCS. This approval marked the first time SANDAG's RTP included a SCS, consistent with the Sustainable Communities and Climate Protection Act of 2008, also known as Senate Bill 375. This RTP/SCS provided a blueprint to improve mobility, preserve open space, and create communities, all with transportation choices to reduce greenhouse gas emissions and meet specific targets set by the California Air Resources Board as required by the 2008 Sustainable Communities Act.

SANDAG is required by law to update its regional transportation plan every 4 years. In October 2019, SANDAG adopted the latest update to its RTP/SCS. SANDAG's 2019 RTP/SCS, known as 2019 Federal Regional Transportation Plan, builds upon SANDAG's 2015 RTP/SCS, known as San Diego Forward: The Regional Plan.

The Regional Plan updates growth forecasts and is based on the most recent planning assumptions considering currently adopted land use plans, including the City's General Plan and other factors from the cities in the region and the County. SANDAG's Regional Plan will change in response to the ongoing land use planning of the City and other jurisdictions. For example, the City's General Plan, and other local general plans, may change based on general plan amendments initiated by the jurisdiction or landowner applicants. The general plan amendments may result in increases in development densities by amending the regional category designations or zoning classifications. Accordingly, the latest forecasts from the SANDAG RTP/SCS of future development in the San Diego region, including location, must be coordinated closely with each jurisdiction's ongoing land use planning because that planning is not static, as recognized by the need for updates to SANDAG's RTP/SCS every 4 years.

San Diego Association of Governments Series 14 Regional Growth Forecast

The SANDAG Series 14 Regional Growth Forecast serves as the foundation for the San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP) and other planning documents across the region. This summary includes an overview of the regional demographic, economic, and housing trends expected over the next 34 years.

San Diego Association of Governments 6th Cycle Regional Housing Needs Assessment

State law requires that jurisdictions provide their fair share of regional housing needs. The California Department of Housing and Community Development (HCD) is mandated to determine the statewide housing need. In cooperation with HCD, local governments and councils of government are charges with determining the city's or region's existing and project housing need as a share of the statewide housing need. The current Regional Housing Needs Assessment (RHNA) (adopted November 2019) identifies housing needs in each SANDAG jurisdiction and allocates a fair share of that need to every community. The RHNA indicates that the San Diego Region needs to supply a total of 171,685 housing units for the planning period between 2021 and 2029 (SANDAG 2019b). This total is distributed by income category, as shown in Table 4.12-4.

Table 4.12-5
San Diego Regional Housing Needs Assessment Allocation

Very Low	Low	Moderate	Above Moderate	Total
42,332	26,627	29,734	72,992	171,685
24.4%	15.5%	17.3%	42.5%	100.0%

Source: SANDAG 2019b

Local

City of Oceanside General Plan

Housing Element

The State of California require that each City draft and adopt a comprehensive General Plan that provides guidance for growth and development within the city. The City of Oceanside revised the Housing Element in 2013, which was previously intended for use until June 30, 2010, with a 2013-2021 Housing Element adopted in August 2013. The Housing Element is designed to provide development guidance for housing through facilitating the development of a variety of housing types, appropriately removing housing restraints, enhancing existing residential neighborhoods, promoting equal housing opportunities, and encouraging new housing growth patterns within the City of Oceanside until April 30, 2021 (City of Oceanside 2013).

As described above, the City released a Draft of the 2021-2029 Housing Element Update in March 2021 for the California Department of Housing and Community Development's (HCD) review. Although still in draft form and under review by HCD at the time this EIR was prepared, information from the Draft 2021-2029 Housing Element Update is referenced throughout this EIR Chapter. As mandated by state law, the planning period for this Housing Element update extends from April 15, 2021 to April 15, 2029 (City of Oceanside 2021-2029 Draft Housing Element).

The City's Density Bonus Ordinance was revised in the spring of 2012 to comply with the provisions of SB 1818, which facilitated higher density for developments that provided affordable housing. The City encouraged density bonus development as an option for new developments. On May 8, 2019, the City approved updates to zoning regulations to comply with revisions to state Bonus Law. The 2021-2029 Housing Element update includes amendments to the coastal, non-coastal, and downtown district Zoning Ordinances to ensure density bonus requirements comply with current state law (California Government Code (Section 65915), outlined above) (City of Oceanside 2021-2029 Draft Housing Element).

The City's Housing Element (2013-2021) includes the following goals, objectives, and policies that are relevant to the proposed project:

> **Goal 1: Produce opportunities for decent and affordable housing for all of Oceanside's citizens**
>
> **Policy 1.1: Promote a high-quality urban environment with stable residential neighborhoods and healthy business districts.**

Policy 1.2: Encourage and assist in neighborhood rehabilitation and beautification activities.

Policy 1.3: Promote a high, stable rate of homeownership in Oceanside.

Policy 1.6: Encourage higher-density housing development along transit corridors and smart growth focus areas in order to encourage preservation of natural resources and agricultural land; reduce energy consumption and emissions of greenhouse gasses and other air pollutants; reduce water pollution occasioned by stormwater runoff; and promote active transportation with its associated health benefits.

Goal 2: Encourage the development of a variety of housing opportunities, with special emphasis on providing:

A broad range of housing types, with varied levels of amenities and number of bedrooms

Sufficient rental stock for all segments of the community, including families with children

Housing that meets the special needs of the elderly and persons with disabilities

Housing that meets the needs of large families

Policy 2.1: Designate land for a variety of residential densities sufficient to meet the housing needs for a variety of household sizes and income levels, with higher densities being focused in the vicinity of transit stops, smart growth focus areas, and in proximity to significant concentrations of employment opportunities.

Policy 2.2: Encourage both the private and public sectors to produce or assist in the production of housing with particular emphasis on housing affordable and accessible to lower income households, persons with disabilities, elderly, large families, female-headed households, and homeless persons.

Policy 2.3: Encourage housing for the elderly and persons with disabilities near public transportation, shopping, medical, and other essential support services and facilities.

Goal 3: Protect, encourage, and provide housing opportunities for persons of low and moderate income

Policy 3.1: Continue to utilize federal and state subsidies to the fullest extent in order to meet the needs of lower income residents.

Policy 3.2: Use the City's regulatory powers to promote affordable housing.

Policy 3.4: Ensure that the development of lower income housing meets applicable standards of health, safety, and decency

Policy 3.5: Encourage the development of housing for low and moderate income households in areas with adequate access to employment opportunities, community facilities, and public services

Policy 3.7: Encourage the disbursement of lower and moderate income housing opportunities throughout all areas of the City

Goal 4: Promote equal opportunity for all residents to reside in housing of their choice

Policy 4.1: Prohibit discrimination in the sale or rental of housing with regard to race, ethnic background, religion, disability, income, sex, age, familial status or household composition

Land Use Element

The Land Use Element includes the following goals, objectives, and policies that are relevant to the proposed project:

Goal 1: Community Enhancement. The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character and image of Oceanside as a safe, attractive, desirable and well-balanced community.

Objective 1.16 Housing: To ensure that decent, safe, and sanitary housing is available to all current and future residents of the community at a cost that is within the reach of the diverse economic segments of Oceanside.

Policy 1.16C: The City shall ensure that housing is developed in areas with adequate access to employment opportunities, community facilities, and public services.

Policy 1.16D: The City shall encourage development of a variety of housing opportunities, with special emphasis on providing:

A broad range of housing types, with varied levels of amenities and number of bedrooms;

Sufficient rental stock for all segments of the community, including families with children;

Housing which meets the special needs of the elderly and the handicapped.

Policy 1.16E: The City shall protect, encourage, and where feasible, providing housing opportunities for persons of low and moderate income.

Goal 2.3: Residential Development. To direct and encourage the proper type, location, timing and design of housing to benefit the community consistent with the enhancement and establishment of neighborhoods and a well-balanced and organized City.

Policy 2.32B: Residential projects that possess and an excellence of design features shall be granted the ability to achieve densities above the base density. Project characteristics that exceed standards established by City policy and those established by existing or approved developments in the surrounding area will be favorably considered in the review of acceptable density within the range. Such characteristics include, but are not limited to the following:

Infrastructure improvements beyond what is necessary to serve the project and its population.

Lot standards (i.e., lot area, width, depth) which exceed the minimum standards established by City policy.

Development standards (i.e., parking, setbacks, lot coverage) which exceed the standards established by City policy.

Superior architectural design and materials.

Superior landscape/hardscape design and materials.

Superior recreation facilities or other amenities.

Superior private and/or semi-private open space areas.

Floor areas that exceed the norm established by existing or approved development in the surrounding area.

Consolidation of existing legal lots to provide unified site design.

Initiation of residential development in areas where nonconforming commercial or industrial uses are still predominant.

Participation in the City's Redevelopment, Housing, or Historical Preservation programs.

Innovative design and/or construction methods that further the goals of the General Plan.

The effectiveness of such design features and characteristics in contributing to the overall quality of a project shall be used to establish the density above base density. No one factor shall be considered sufficient to permit a project to achieve the maximum potential density of a residential land use designation.

4.12.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to population and housing are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to population and housing would occur if the proposed project would:

1. Induce substantial unplanned 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).
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

4.12.4 Impacts Analysis

Would the project induce substantial unplanned 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?

The proposed project would construct 54 residential units, which would have the potential to house approximately 151 people, based on the City's Housing Element of an average household size of 2.8 persons per dwelling unit (City of Oceanside 2013). As described in Section 4.12.1 above, the City's General Plan has designated the project site as Single Family Detached Residential (SFD-R) and the project site is zoned RS-Single family residential. The proposed project would be consistent with the designated land use and zoning for the site. Further, implementation of the proposed project would be consistent with the SANDAG growth projections, as well as the City's RHNA goals. Therefore, although the proposed project would directly lead to additional growth

within the City, the increase of approximately 151 people at the project site is considered to be nominal, and this growth has been accounted for in the City's General Plan.

The project would not lead to indirect growth, as the project does not propose substantial infrastructure improvements that would allow for additional unplanned growth in the area. It is noted that the surrounding area has already been developed for residential uses, and land that has not been developed is designated as Open Space, limiting further substantial development of the area. Therefore, the proposed project would not induce substantial unplanned population growth in an area, and impacts would be **less than significant**.

Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site is currently vacant and undeveloped. Therefore, the proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, impacts would be **less than significant**.

4.12.5 Mitigation Measures

Impacts related to population and housing as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.12.6 Level of Significance After Mitigation

No substantial impacts related to population and housing were identified; therefore, no mitigation measures are required. Impacts related to population and housing would be **less than significant**.

4.13 PUBLIC SERVICES

This section describes the existing setting of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Cypress Point project (proposed project) on public services including fire, police, schools, libraries, and parks in the City of Oceanside (City).

4.13.1 Existing Conditions

Fire Protection

The Oceanside Fire Department (OFD) provides fire protection services to the City of Oceanside. The department mission is to meet and exceed community needs and expectations through the preservation and protection of life, property, and the environment. As of the 2016-2017 fiscal year, the OFD has eight stations that serve over 180,000 residents and visitors over an area of 41 square miles. The OFD has a total of 115 full-time fire personnel, 34 full and part-time emergency medical technicians, seven full-time lifeguard personnel, 76 part-time lifeguard personnel, with an additional staff of eight providing support. All truck and engine companies are staffed with a minimum of one company officer, one engineer, and one firefighter/paramedic. The Fire Operations Division also manages emergency medical service (EMS) response, transport, and management. The following apparatus are in service full time (Oceanside Fire Department 2021):

- Fire Engines (7)
- Ambulances (5)
- Tiller Truck (1)
- Type 3 Brush Engines (3)
- Type 6 Brush Engine (1)
- Water Tender (1)
- Command Vehicle (Battalion Chief) (1)
- Command and Interoperability Trailer (1)
- Incident Support Trailer (1)
- Mass Casualty Response Vehicle (1)
- Confined Space Trailer (1)

The Oceanside Fire Department has eight firehouses located throughout the City. Of these stations, the closest to the project site is Station 7 (3350 Mission Avenue), located approximately 1.3 miles south of the project site. Station 5 (4841 North River Road) is the second closest station to the

project site, located approximately 2.4 miles east of the project site (Oceanside Fire Department 2021). As established by the City's General Plan, the City has the following standards for Fire Department facilities: strive to maintain a 5-minute response time from fire stations to all developed areas within the City, maintain staffing levels adequate to achieve a locally desirable Insurance Service Office rating, and striving to maintain a maximum response time for paramedic units of 8 minutes in urban areas and 15 minutes in rural areas (City of Oceanside 1990). Average response times from the most recent yearly report for fire calls were 6 minutes and 34 seconds, EMS response times were 6 minutes and 4 seconds, and all urgent calls were 6 minutes and 4 seconds (Oceanside Fire Department 2014).

The Oceanside Fire Department calls for service in 2019 were as follows:

- Total responses – 21,138
- Fire responses – 381
- Emergency medical service responses – 14,104
- Investigation/Good Intent – 3,819
- Vehicle accidents – 1,771
- Service Calls – 1,995
- Hazardous Condition – 144
- False Alarms – 635
- Other – 60

In addition to providing emergency response services, non-emergency functions are continually performed by the fire department, including fire investigations, plan checks for all new development, fire prevention inspections, and public education and informational programs (Oceanside Fire Department 2021).

The City of Oceanside has entered into an automatic aid agreement with the Cities of Carlsbad and Vista. Per the agreement, when an emergency call comes into dispatch, the nearest emergency responder is notified regardless of the jurisdictional boundaries. The fire stations located closest to the project site are Oceanside Fire Department stations, but non-Oceanside Fires Department fire stations may also be notified in the event of an emergency at the project site.

Police Protection

The Oceanside Police Department (Police Department) comprises 228 sworn officers and 84 professional staff members who serve a population of more than 175,000 residents and handle approximately 110,000 calls for service each year (Oceanside Police Department 2021a). The Police

Department consists of a Patrol Division, Traffic Unit, Harbor Police, School Safety Enhancement Team, Neighborhood Policing Team, Resource Team, Administrative/Front Desk Operations, and Senior Volunteer Patrol Program members. The Patrol Division is the largest division in the Police Department and consists of officers and field evidence technicians. Patrol officers are responsible for handling radio calls, taking crime reports, handling traffic enforcement, making arrests, resolving disputes, and preventing crime, while field evidence technicians process crime scenes, collect evidence, and take crime reports (Oceanside Police Department 2021b). The nearest Police Department station to the project site is located at 3855 Mission Avenue, approximately 1.2 miles southeast of the project site.

According to the City's General Plan – Community Facilities Element, the Police Department shall strive to provide a maximum response time of five minutes for all Priority E and I emergency service calls (City of Oceanside 1990). Table 4.13-1 indicates that the OPD has been meeting these response time goals as of 2019.

Table 4.13-1
Oceanside Police Department Response Times

Call Priority	Average Response Time Goals	Actual Average Response Times
Priority E – Imminent threat to life	Within 5 minutes	3 minutes, 45 seconds
Priority 1 – Serious crimes in progress	Within 5 minutes	3 Minutes, 45 seconds
Priority 2 – Less serious crimes with no threat to life	Within 10 minutes	8 Minutes, 40 seconds
Priority 3 – Minor crimes/requests that are not urgent	Within 60 minutes	17 Minutes, 20 seconds
Priority 4 – Minor requests for police services	Within 60 minutes	17 Minutes, 20 seconds

Source: Armijo, pers. comm. 2019; Stauffer, pers. comm. 2019.

Schools

The Oceanside Unified School District (OUSD) provides education services to the City of Oceanside. The OUSD covers approximately 66 square miles, and the District Office is located at 2111 Mission Avenue. As of the 2019-2020 academic year, OUSD operated and maintains 15 elementary schools, 4 middle schools, 2 high schools, and 1 alternative high school to approximately 19,371 students (OUSD 2020a). Of these 22 schools, the project site is located within the service boundaries of four schools, including Foussat Elementary School, San Luis Rey Elementary School, Jefferson Middle School, and Oceanside High School (Table 4.13-2) (OUSD 2020b). As shown in Table 4.13-2, the OUSD schools that would serve the project site are all under capacity.

Table 4.13-2
OUSD Schools Serving the Project Area

School	Location	Grade	Enrollment	School Capacity*	Excess Capacity
Foussat Elementary	3800 Pala Road, Oceanside	K-5	618	742	124
San Luis Rey Elementary	3535 Hacienda Dr., Oceanside	K-5	288	493	205
Jefferson Middle School	823 Acacia Ave., Oceanside	6-8	541	764	223
Oceanside High School	1 Pirates Cove, Oceanside	9-12	2,195	2,673	478

*District Capacity (Contract), per OUSD 2017
Source: OUSD 2017; OUSD 2020b; CDE 2020

In addition to OUSD, Vista Unified School District and Bonsall Elementary also operate within the City. Private schools within the City include Coastal Academy, St. Mary Star of the Sea, and several Montessori schools. Higher education within the City includes Mira Costa Community College, and several vocational schools including UEI College, California Career College, and Media Tech Institute (City of Oceanside 2021a).

Parks

The City of Oceanside maintains parks, recreational facilities, and community centers, including the beach, Buena Vista Lagoon, the San Luis Rey River, Calaveras Lake, Hosp Grove, golf courses, a dog park, skate parks, and trails. The City currently has approximately 642 acres of park land. As of 2020, the City's parks and recreation facilities consist of 15 community and 17 neighborhood parks, one regional park, three recreation centers (Junior Seau Community Center, Joe Balderamma Recreation Center, and Melba Bishop Recreation Center), a YMCA and Boys and Girls Club, two senior centers, five skateparks, and two pools. Residents can also enjoy more than 115 acres of school play areas as provided through Memorandums of Understanding (MOUs) with the Oceanside Unified School District. Other facilities include Oceanside's 3.5 miles of beach, the harbor and the pier (City of Oceanside 2021a).

The City's General Plan Recreational Trails Element focuses on the provision and maintenance of pedestrian, bicycle, and equestrian trial systems through the City. The City's General Plan Environmental Resource Management Element provides the City's recreational standards for parks, which includes the dedication of 5 acres of park per 1,000 residents (City of Oceanside 2002). In addition, the City's Parks and Recreation Division has a Parks and Recreation Master Plan to create a vision for the Park and Recreation system. The Parks and Recreation Master Plan was updated in 2019 and provides a guide for the orderly development of future park, recreation, and open space facilities and programs in order to meet the community's current and future needs through 2030. Goals of the Master Plan include a 15-minute walk for neighborhood parks or a 5-minute drive for community parks and special facilities (City of Oceanside 2019).

The closest neighborhood park to the project site is the 4-acre Fireside Park located approximately 0.50 mile south of the project site. The closest community parks to the project site include 19-acre Buddy Todd Park, located approximately 2 miles south of the project site; 27-acre Libby Lake Park, located 2 miles northeast of the project site; and 29-acre Mance Buchanon Park, located approximately 2.5 miles northeast of the project site. The 75-acre Guajome Regional Park is located approximately 3.8 miles east of the project site. Additionally, the San Luis Rey River Trail is located immediately adjacent to the project to the north and the west. The trail runs 7.2 miles adjacent to the San Luis Rey River with 10 access points for pedestrians and cyclists (City of Oceanside 2019). Please refer to Chapter 4.14 Recreation, for a detailed description of existing park and recreation facilities within the City.

Other Public Facilities

The City operates two public library locations: The Civic Center Library on 330 North Coast Highway, and Oceanside Public Library Mission Branch on 3861 Mission Avenue (City of Oceanside 2021b). The City's public libraries offer services to the community including, DVDs, CDs, audio books, eBooks, and children books; public computers with internet access at both locations including available wi-fi; printing, faxing, scanning and copying services; private study rooms; special collections containing local and state history and world languages; a dedicated teen area; and programs for all ages. Library staff consist of library administration, public services (librarians), and support services (City of Oceanside 2021b).

4.13.2 Regulatory Setting

State

California Fire Code

The California Fire Code (CFC) and Office of the State Fire Marshal provides regulations and guidance for local agencies in the development and enforcement of fire safety standards. The CFC also establishes minimum requirements that would provide a reasonable degree of safety from fire, panic, and explosion.

Senate Bill 50 – Leroy F Greene Schools Facilities Act of 1998

Senate Bill (SB) 50, or the Leroy F. Greene School Facilities Act of 1998, restricts the ability of local agencies to deny project approvals on the basis that public school facilities (classrooms, auditoriums, etc.) are inadequate. Payment of school fees are also collected at the time when building permits are issued. Payment of school fees is required by SB 50 for all new residential development projects and is considered full and complete mitigation of any school impacts (Government Code section 65996). As required by SB 50, school impact fees are payments to

offset capital cost impacts associated with new developments, which result primarily from costs of additional facilities, related furnishings and equipment, and projected capital maintenance requirements. As such, agencies cannot require additional mitigation for any school impacts. School impact fees and fees collected pursuant to SB 50 are collected at the time when building permits are issued.

Quimby Act and Assembly Bill 1359

The Quimby Act, which is within the Subdivision Map Act, authorizes the legislative body of a city or county to require the dedication of land or impose fees for park or recreational purposes as a condition to the approval of a tentative or parcel subdivision map, if specified requirements are met. One of these requirements is that the dedicated land or fees, or combination thereof, shall be used only for the purposes of developing or rehabilitating neighborhood or community park or recreational facilities to serve the subdivision for which the land was dedicated or fees were paid. The act provides that the dedication of land or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide 3 acres of park area per 1,000 persons residing within a subdivision subject to the act, except as specified.

Local

City of Oceanside General Plan

Community Facilities Element

The City of Oceanside General Plan Community Facilities Element provides long-term policies for public services within the City, including fire protection, police protection, schools, and libraries. The element outlines adequate service ratios and future planning policies by which the City of Oceanside and the Fire Department and Police Department must abide (City of Oceanside 1990). The following policies are appliable to the proposed project:

> **Policy 3.1**: The City of Oceanside shall strive to provide adequate Fire Department facilities through the achievement of the following facilities and service standards:
>
> - A 5-minute response time from fire stations to all developed areas within the city of Oceanside
> - Personnel staffing at a minimum of four people per company
> - City maintaining staffing levels adequate to achieve a locally desirable Insurance Service Office (ISO) rating; and
> - A maximum response time for paramedic units of 8 minutes in urban areas and 15 minutes in rural areas

Policy 3.5: Close coordination shall be maintained between planned improvements to the Circulation System within the City of Oceanside and the location of future fire stations, in order to assure adequate levels of service and response times to all areas of the community along existing and future arterials, collectors, and local streets.

Policy 3.10: In order to minimize fire hazards, the Oceanside Fire Department shall be involved in the review of development applications. Consideration shall be given to adequate emergency access, driveway widths, turning radii, fire hydrant locations, and Needed Fire flow requirements.

Policy 4.3: The Oceanside Police Department shall strive to provide a maximum response time of 5 minutes for all Priority I and II emergency service calls.

4.13.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to public services are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to public services would occur if the proposed project would:

1. 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
    - Police Protection
    - Schools
    - Parks
    - Other public facilities

4.13.4 Impacts Analysis

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?

The project site is currently vacant and implementation of the proposed project could result in an increase in demand on OFD as a result of residential development at the project site. However, the proposed project is located within an existing neighborhood that already receives fire protection services from the fire department. Additionally, as described in Chapter 4.12 of this EIR, the proposed 54 residential units would result in an increase of approximately 151 people at the project site, which is considered to be nominal, and this growth has been accounted for in the City's General Plan. The increase of approximately 151 people at the project site is not expected to result in a substantial increase of service calls to the fire department.

As described above, the Oceanside Fire Department has eight firehouses located throughout the City. Of these stations, the closest to the project site is Station 7 (3350 Mission Avenue), located approximately 1.3 miles south of the project site. Station 5 (4841 North River Road) is the second closest station to the project site, located approximately 2.4 miles east of the project site (Oceanside Fire Department 2021). In addition to the City's eight fire stations, the City of Oceanside has entered into an automatic aid agreement with the Cities of Carlsbad and Vista. Per the agreement, when an emergency call comes into dispatch, the nearest emergency responder is notified regardless of the jurisdictional boundaries. The fire stations located closest to the project site are Oceanside Fire Department stations, but non-Oceanside Fires Department fire stations may also be notified in the event of an emergency at the project site.

The project would be required to provide adequate site access, emergency access, and maintain OFD response times. After a second review of proposed project plans, the City's fire department deemed the project complete, in an Application Review Committee letter dated May 3, 2021. Additionally, the City has an established public facility development impact fee program (Municipal Code Chapter 32B and 32C) that requires new development to provide funds towards capital improvements for public services including fire and emergency services. The project would be required to pay applicable developer impact fees in accordance with the City's requirements.

Therefore, while development of the project site would place a slight increased demand on fire protection services, it is not anticipated that the proposed project would result in the need for construction or expansion of existing fire facilities. The proposed project is expected to be adequately served by existing fire stations, and impacts related to fire protection are determined to be **less than significant**.

Police Protection?

As described above, the project site is currently vacant and implementation of the proposed project could result in an increase in demand on Oceanside Police Department as a result of residential development at the project site. However, similar to fire protection, the proposed project is located within an existing neighborhood that already receives police protection services from the police department. Additionally, as described in Chapter 4.12 of this EIR, the proposed 54 residential units would result in an increase of approximately 151 people at the project site, which is considered to be nominal, and this growth has been accounted for in the City's General Plan. The increase of approximately 151 people at the project site is not expected to result in a substantial increase of service calls to the police department. Furthermore, the proposed project would be a gated residential community which would further reduce the potential for crime on-site.

As described above, the police department comprises of 228 sworn officers and 84 professional staff members who serve a population of more than 175,000 residents and handle approximately 110,000 calls for service each year (Oceanside Police Department 2021a). As indicated in Table 4.13-1 above, the police department has been meeting response time goals as of 2019. The nearest Police Department station to the project site is located at 3855 Mission Avenue, approximately 1.2 miles southeast of the project site.

The project would be required to provide adequate site access, emergency access, and maintain police department response times. After a second review of proposed project plans, the City's Police Department deemed the project complete, in an Application Review Committee letter dated May 3, 2021. Additionally, as described above, the City has an established public facility development impact fee program (Municipal Code Chapter 32B and 32C) that requires new development to provide funds towards capital improvements for public services including police services. The project would be required to pay applicable developer impact fees in accordance with the City's requirements.

Therefore, while development of the project site would place a slight increased demand on police protection services, it is not anticipated that the proposed project would result in the need for construction or expansion of existing police facilities. The proposed project is expected to be adequately served by existing police department stations, and impacts related to police protection are determined to be **less than significant**.

Schools?

The proposed project would directly increase the population through development of residential dwelling units at the project site, and would therefore increase existing demand on school facilities. Student age (K through 12) residents at the project site would be served by the Oceanside Unified School District (OUSD). OUSD operated and maintains 15 elementary schools, 4 middle schools,

2 high schools, and 1 alternative high school to approximately 19,371 students (OUSD 2020a). Of these 22 schools, the project site is located within the service boundaries of four schools, including Foussat Elementary School, San Luis Rey Elementary School, Jefferson Middle School, and Oceanside High School as outlined in Table 4.13-2 above. As shown in Table 4.13-2, all four of these schools that would serve the project site are under capacity.

OUSD plans for new students by using student yield factors based on land use types. As shown in Table 4.13-3, the proposed project would be expected to yield approximately 13 elementary school students, 3 middle school students, and 7 high school students, for a total of 23 students.

Table 4.13-3
Potential Student Yield for the Proposed Project

Proposed Units	Student Yield Factor			Students Yielded by Proposed Project		
	Elementary School	*Middle School*	*High School*	*Elementary School*	*Middle School*	*High School*
54	0.239	0.060	0.129	13	3	7

Source: City of Oceanside 2015.

The projection of approximately 23 students from the new development is considered minimal and would not result in substantial adverse impacts on existing serving school facilities, considering Foussat Elementary School, San Luis Rey Elementary School, Jefferson Middle School, and Oceanside High School are all under capacity. Additionally, it should be considered that not all students residing at the project site would be new to the City or OUSD. Students generated by the proposed project would be subject to OUSD's Open Enrollment School of Choice, which accepts students on a space available basis. Of the 22 total schools within the OUSD (not including private schools), it is determined that the minimal number of students generated by the proposed project would be adequately served by existing facilities.

Furthermore, the project applicant would be subject to City development impact fees, as applicable, in compliance with Ordinance 91-34, Government Code Section 65995 and Education Code Section 53080, which allows school districts to impose mitigation fees on new development as a method of addressing increased enrollment. State Bill (SB) 50 states that the fees imposed by school districts shall constitute the exclusive method of considering and mitigating impacts on school facilities caused by a development project. Such payment shall provide "full and complete mitigation of the impacts of any legislative or adjudicative act...on the provision of adequate school facilities" (Government Code Section 65995(h)). As such, contribution of required development fees would ensure impacts to schools as a result of students generated by the proposed project would be **less than significant**.

Parks?

The project site is currently vacant, and an increase of 151 people could result in the potential for increased use of existing neighborhood and regional parks. In accordance with the City's Municipal Code, Chapter 32D, the proposed project is required to either 1) create dedicated park land within or partly within the project site, whose acreage would be determined by the City, 2) dedicate land usable for recreation purposes in addition to paying a portion of the park impact fee, or 3) pay the entire park impact fee (City of Oceanside 2020a).

As described above, the City currently has approximately 642 acres of park land. As of 2020, the City's parks and recreation facilities consist of 15 community and 17 neighborhood parks, one regional park, three recreation centers (Junior Seau Community Center, Joe Balderamma Recreation Center, and Melba Bishop Recreation Center), a YMCA and Boys and Girls Club, two senior centers, five skateparks, and two pools. Residents can also enjoy more than 115 acres of school play areas as provided through Memorandums of Understanding (MOUs) with the Oceanside Unified School District. Other facilities include Oceanside's 3.5 miles of beach, the harbor and the pier (City of Oceanside 2021a). The closest neighborhood park to the project site is the 4-acre Fireside Park located approximately 0.50 mile south of the project site. The closest community parks to the project site include 19-acre Buddy Todd Park, located approximately 2 miles south of the project site; 27-acre Libby Lake Park, located 2 miles northeast of the project site; and 29-acre Mance Buchanon Park, located approximately 2.5 miles northeast of the project site. The 75-acre Guajome Regional Park is located approximately 3.8 miles east of the project site. Additionally, the San Luis Rey River Trail is located immediately adjacent to the project to the north and the west. The trail runs 7.2 miles adjacent to the San Luis Rey River with 10 access points for pedestrians and cyclists (City of Oceanside 2019).

According to the City's General Plan – Community Facilities Element, the City's goal is to provide a minimum of five acres of developed "community parks" per 1,000 residents within the City (City of Oceanside 1990). As described above, the City currently has a total of 797.7-acres of existing parkland. As of 2019, the population within the City of Oceanside was 175,389, resulting in a parkland service ratio of 4.5 acres per 1,000 residents. While this is below the current standard of 5 acres per 1,000 residents, the existing inventory includes only two acres of the 465-acre El Corazon Specific Plan area. Planned development of El Corazon Park will result in an additional 210 acres of parkland. With completion of El Corazon Park, the parkland service ratio will increase to 5.7 acres per 1,000 residents (City of Oceanside 2021).

In addition to existing City parks and recreational facilities, residents of the project site would have access to approximately 27,023 square-feet of common open space, as proposed. The centrally located common open space creates a gathering spot for neighbors, and a recreational turf area would provide an area for children to play, and an arbor arc through the center of the green space

would provide shade over the proposed picnic tables. The central green space would also include a decomposed granite path winding through the landscaped area. Each residence would have a private backyard, which would provide a total of approximately 49,140 square-feet of private open space within the project site (approximately 910 square-feet per residence). Overall, a total of 76,163 square-feet of useable open space would be provided by the project. Three hundred (300) square-feet of open space per unit is required by the City, and the project proposes 1,410 square-feet of open space per unit.

Although the project would potentially increase the utilization of existing parks and recreational facilities within the City; it is determined that the combination of proposed project open space amenities on site, existing park and recreational facilities in the area, and proposed future recreational facilities within the City would adequately serve future residents of the project site. Additionally, the project developer would be responsible for applicable Development Services Department Impact Fees. Such fees for new residential development within the City go towards facilities such as (but not limited to) parks, public facilities, and schools. Furthermore, the increase of approximately 151 people at the project site is considered nominal, and this growth has been accounted for in the City's General Plan. Therefore, it is determined that implementation of the proposed project would have a **less-than-significant** impact on existing park facilities.

Please also refer to Chapter 4.14 Recreation, for additional details and impact analysis on existing park and recreation facilities within the City.

Other Public Facilities?

As described above, the City operates two public library locations: The Civic Center Library on 330 North Coast Highway, and Oceanside Public Library Mission Branch on 3861 Mission Avenue (City of Oceanside 2021b). The Oceanside Public Library Mission Branch is located approximately 1.4 miles, or a seven-minute drive, southeast of the project site. Due to the minimal increase of approximately 151 residents with implementation of the proposed project, potential impacts to libraries or other public facilities are not anticipated to be substantial. The two existing public libraries, in addition to school libraries that would serve students at the project site are expected to adequately serve the approximately 151 residents generated by the project. Furthermore, payment of development impact fees, as applicable, in accordance with Municipal Code Sections 32B and 32C would address the need for additional public services generated by new development. For these reasons, impact to libraries or other public facilities as a result of project implementation is determined to be **less than significant**.

4.13.5 Mitigation Measures

Impacts related to public services as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.13.6 Level of Significance After Mitigation

No substantial impacts related to public services were identified; therefore, no mitigation measures are required. Impacts related to recreation would be **less than significant**.

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4.14 RECREATION

This section describes the existing recreation conditions of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of Cypress Point project (proposed project) in the City of Oceanside (City).

4.14.1 Existing Conditions

The City's General Plan Recreational Trails Element was last updated in June 2002. The purpose of the Recreational Trails Element is to state the specific goals and objectives that will improve the operation and design of the City's trail system for bicycles, pedestrians, and equestrians. The Recreational Trails Element replaced the City's Non-Motorized Transportation Element (1976) and is a sub-element of the Circulation Element. Information from the Recreational Trails Element is incorporated herein. Due to the age of this document, information from the *Background Report #2: Land Use and Community Resources* prepared by the City in June 2021 (City of Oceanside 2021) in support of the General Plan Update, has also been referenced herein for more updated information on parks and recreational open space within the City, in addition to the City's 2019 Parks and Recreation Master Plan.

Surrounding Parks and Trails

The City of Oceanside maintains parks, recreational facilities, and community centers, including the beach, Buena Vista Lagoon, the San Luis Rey River, Calaveras Lake, Hosp Grove, golf courses, a dog park, skate parks, and trails. The City currently has approximately 642 acres of park land. As of 2020, the City's parks and recreation facilities consist of 15 community and 17 neighborhood parks, one regional park, three recreation centers (Junior Seau Community Center, Joe Balderamma Recreation Center, and Melba Bishop Recreation Center), a YMCA and Boys and Girls Club, two senior centers, five skateparks, and two pools. Residents can also enjoy more than 115 acres of school play areas as provided through Memorandums of Understanding (MOUs) with the Oceanside Unified School District. Other facilities, including Oceanside's 3.5 miles of beach, harbor and the pier (City of Oceanside 2021).

The City's General Plan Recreational Trails Element focuses on the provision and maintenance of pedestrian, bicycle, and equestrian trial systems through the City. The City's General Plan Environmental Resource Management Element provides the City's recreational standards for parks, which includes the dedication of 5 acres of park per 1,000 residents (City of Oceanside 2002). In addition, the City adopted a Parks and Recreation Master Plan to create a vision for the park and recreation system. The Parks and Recreation Master Plan was updated in 2019 and provides a guide for the orderly development of future park, recreation, and open space facilities and programs in order to meet the community's current and future needs through 2030. Goals of the Master Plan include a 15-minute walk for neighborhood parks or a 5-minute drive for

community parks and special facilities. The Master Plan defines five major categories of park types: Neighborhood Parks, Community Parks, Community Centers, Regional Parks, and Special Use Parks. These give park categories are described below (City of Oceanside 2019).

- Neighborhood Parks are generally smaller parks that provide both passive and limited active recreation but tend to focus on passive recreation. They are typically less than five acres in size and serve nearby residents within a 15-minute walkshed. They generally do not include Citywide facilities, such as gyms, pools, or sports fields.
- Community Parks serve daily recreational needs of the community as well as the local broader neighborhood. They are generally larger than five acres in size and service an area within a 5-minute driveshed. City wide sports fields, pools, and court sports are concentrated in these locations.
- Community Centers are community buildings that provide a wide range of activities serving the community as a whole. These centers often accommodate special events, recreation programs, offices, and community services. These facilities can pull from users all over the community but should be accessible by a five-minute drive.
- Regional Parks are parks that are larger than 30 acres, serve the region, and provide a range of activities including passive and active recreation opportunities and often include open space, cultural, and/or natural resources. The sole park classified as regional is the75-acre Guajome Regional Park, which includes 4.5 miles of multi-use trails, diverse habitats, and recreation areas featuring playgrounds, a basketball court and a 33-site campsite.
- Special Use Parks are a broad category of facilities which focus on specific functions, themes, or user groups. They include facilities such as Heritage Park, the Municipal Golf Course, Oceanside Harbor and Oceanside Pier, and swim facilities.

The closest neighborhood park to the project site is the 4-acre Fireside Park located approximately 0.50 mile south of the project site. The closest community parks to the project site include 19-acre Buddy Todd Park, located approximately 2 miles south of the project site; 27-acre Libby Lake Park, located 2 miles northeast of the project site; and 29-acre Mance Buchanon Park, located approximately 2.5 miles northeast of the project site. The 75-acre Guajome Regional Park is located approximately 3.8 miles east of the project site.

Additionally, the San Luis Rey River Trail is located adjacent to the project to the north and the west. The trail runs 7.2 miles adjacent to the San Luis Rey River with 10 access points for pedestrians and cyclists (City of Oceanside 2019).

Planned parks in the City include El Corazon Park, located in the center of the City bounded by Rancho Del Oro Drive on the east, Oceanside Boulevard on the south, El Camino Real on the west and Mesa Drive on the north. In 2009 the El Corazon Specific Plan was adopted to guide and

implement the vision for the 465-acre area. Future plans for the site include 212 acres of parks and recreation, 164 acres of habitat, 34 acres of civic services, 25 acres of commercial, 19 acres of village commercial, and 11 acres of hotel (City of Oceanside 2021).

Accounting for the total acreage of Oceanside's parks including Regional, Community, Special Use, and Neighborhood Parks, as well as golf courses and Community Centers, the City of Oceanside currently provides 642.1-acres of parkland. In addition, 155.6 acres of public school ground acreage (40% of the total school ground acres) are countable toward Oceanside's total park acreage giving a total of 797.7-acres of existing parkland. As of 2019, the population within the City of Oceanside was 175,389, resulting in a parkland service ratio of 4.5 acres per 1,000 residents. While this is below the current standard of 5 acres per 1,000 residents, the existing inventory includes only two acres of the El Corazon site. Planned development of El Corazon will result in an additional 210 acres of parkland. With completion of El Corazon, the parkland service ratio will increase to 5.7 acres per 1,000 residents (City of Oceanside 2021).

4.14.2 Regulatory Setting

State

Quimby Act

California allows a city or county to pass an ordinance that requires, as a condition of approval of a subdivision, either the dedication of land, the payment of a fee in lieu of dedication, or a combination of both for park and recreational purposes (California Government Code Section 66477). This legislation, commonly called the "Quimby Act", establishes a maximum parkland dedication standard of 3 acres of parkland per 1,000 residents for a new subdivision development unless the amount of existing neighborhood and community parkland exceeds that limit.

Local

City of Oceanside General Plan

The State of California requires that each city draft and adopt a comprehensive general plan that provides long-term guidance for development within the city's jurisdiction. The City of Oceanside General Plan is comprised of multiple elements addressing specific areas of development. The sections that address goals and policies related to recreation are the Community Facilities Element, Environmental Resource Management Element, Land Use Element, and Recreational Trails Element. Each of these elements are described in detail as they related to parks and recreation below.

Community Facilities Element

The Community Facilities Element provides overall guidance for maintaining and developing the City's public services and facilities, including parks and other recreational facilities. The goals and policies contained in the Community Facilities Element aim to provide adequate public facilities that support recreational and leisure activities as well as to contribute to overall health of the city's residents. Specifically, the Community Facilities Element establishes that an adequate parkland goal is 5 acres of dedicated parkland per 1,000 residents within the city.

As defined in the Community Facilities Element, community parks should meet the following:

a) The topography and land configuration should be sustainable to accommodate the park's proposed uses. A minimum of 65% of the park land area should be usable for active recreation;

b) Sites should have or be able to achieve safe pedestrian and bicycle access;

c) Sites should be visible from the street in order to enhance enjoyment of the park by people driving by and to facilitate security surveillance;

d) Noise generated by park use should be mitigated to avoid disturbing adjacent residences;

e) Lighting should be designed to limit impacts on adjacent residents;

f) Parks should be buffered from adjacent residences through the use of fences, landscaping, berms, or other treatments, in order to prohibit undesired access to private property; and

g) "Community Parks" located in resident neighborhoods should have at least one access point on a Collector road. Whenever possible, these facilities should be located adjacent to public schools.

Environmental Resource Management Element

The Environmental Resource Management Element provides guidance to conserving and preserving natural resources and open space as the City develops. As related to recreation, this element encourages the preservation of open space for public health and welfare. Open space is generally defined as land areas absent of man-made structures.

Land Use Element

The Land Use Element provides policies, definitions, and zoning designations for all land use types in the City. It establishes guiding policies for each type of land use including open space and community facilities. As it related to parks and recreation the Land Use Element gives overall direction of encouraging, preserving, and developing adequate open space, park areas, and recreation facilities for community use. The element also establishes the general development impact fee policy to provide for expanding public facilities to meet the demand of any new development.

Circulation Element

The City's Circulation Element includes the Pedestrian Master Plan, the Bicycle Master Plan, and the Recreational Trails Element.

Pedestrian Master Plan

The City of Oceanside Pedestrian Master Plan (PMP) aims to guide how the City plans and implements pedestrian projects, including projects to enhance neighborhood quality or mobility options by providing pedestrian improvement projects. The PMP identifies and prioritizes pedestrian projects based on technical analyses and community input and provides a prioritized list of projects to improve the City's ability to receive grant funding to implement the top priority projects.

Bicycle Master Plan

The Bicycle Master Plan is a comprehensive update to the 1995 City of Oceanside Circulation Element and Recreational Trails Element and identifies points where the city's bikeway system could be integrated with the San Diego County regional bikeway system. The Bicycle Master Plan evaluates the city's existing bikeway facility system and its relationship with other systems, such as mass transit, and recommends improvements wherever appropriate. Additionally, the goal of the Bicycle Master Plan is to maximize the efficiencies offered by multi-modal connections between mass transit and bikeways as well as to promote a viable alternative to the automobile travel in a climate particularly conducive to bicycle transportation. The City aims to implement the Bicycle Master Plan to provide a more convenient bikeway system for cyclists, especially for those who choose bicycle transportation over vehicle transportation.

Recreational Trails Element

The Recreational Trails Element provides policies and guidance for the City's bicycle, pedestrian, and equestrian trail system. This element defines adequacy standards and goals for maintaining recreational trails, such as hiking trails, multi-use trails, equestrian trails, and bicycle trails throughout the City.

Parks and Recreation Master Plan

Adopted in November 2019, the Parks and Recreation Master Plan provides guidance on the development of future parks, recreation, and open space facilities in order to meet the needs of the community. The Master Plan identifies existing facilities, provides a citywide needs assessment, proposes implementation strategies, and includes overall goals and policies for the development, maintenance, renovation, and acquisition of park facilities.

4.14.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to recreation are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to recreation would occur if the proposed project would:

1. 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.
2. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

4.14.4 Impacts Analysis

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?

As described in Chapter 4.12 of this EIR, Population and Housing, the proposed project would construct 54 residential units, which would have the potential to house approximately 151 people, based on the City's Housing Element of an average household size of 2.8 persons per dwelling unit. An increase of 151 people at the currently vacant project site would result in the potential for increased use of existing neighborhood and regional parks. In accordance with the City's Municipal Code, Chapter 32D, the proposed project is required to either 1) create dedicated park land within or partly within the project site, whose acreage would be determined by the City, 2) dedicate land usable for recreation purposes in addition to paying a portion of the park impact fee, or 3) pay the entire park impact fee (City of Oceanside 2020).

As described in Chapter 3 of this EIR, Project Description, approximately 24% of the project site is planned as open space. A total of approximately 27,023 square-feet of common open space is proposed, which consists of central green space, and the north and south sides of the eastern landscaped area. The centrally located common open space creates a gathering spot for neighbors, and a recreational turf area would provide an area for children to play, and an arbor arc through the center of the green space would provide shade over the proposed picnic tables. The central green space would also include a decomposed granite path winding through the landscaped area. Each residence would have a private backyard, which would provide a total of approximately 49,140 square-feet of private open space within the project site (approximately 910 square-feet per residence). Overall, a total of 76,163 square-feet of useable open space would be provided by the project. Three hundred (300) square-feet of open space per unit is required by the City, and the project proposes 1,410 square-feet of open space per unit.

The buffer area on the East side of the project will be landscaped with screening shrubs along the existing fence line. The landscaped buffer area is largely 75 feet in width with low lying landscaping for view and noise buffers from the existing neighborhood. At the neighbors request, this area will be a private common area blocking out transients and odor causing animals from walking behind the existing resident's homes.

As described above, the City's parks and recreation facilities consist of 15 community and 17 neighborhood parks, one regional park, three recreation centers (Junior Seau Community Center, Joe Balderamma Recreation Center, and Melba Bishop Recreation Center), a YMCA and Boys and Girls Club, two senior centers, five skateparks, and two pools. Residents can also enjoy more than 115 acres of school play areas as provided through Memorandums of Understanding (MOUs) with the Oceanside Unified School District. Other facilities, including Oceanside's 3.5 miles of beach, harbor and the pier (City of Oceanside 2021). The closest neighborhood park to the project site is the 4-acre Fireside Park located approximately 0.50 mile south of the project site. The closest community parks to the project site include 19-acre Buddy Todd Park, located approximately 2 miles south of the project site; 27-acre Libby Lake Park, located 2 miles northeast of the project site; and 29-acre Mance Buchanon Park, located approximately 2.5 miles northeast of the project site. The 75-acre Guajome Regional Park is located approximately 3.8 miles east of the project site. Additionally, the San Luis Rey River Trail is located adjacent to the project to the north and the west. The trail runs 7.2 miles adjacent to the San Luis Rey River with 10 access points for pedestrians and cyclists (City of Oceanside 2019).

According to the City's General Plan – Community Facilities Element, the City's goal is to provide a minimum of five acres of developed "community parks" per 1,000 residents within the City (City of Oceanside 1990). As described above, the City currently has a total of 797.7-acres of existing parkland. As of 2019, the population within the City of Oceanside was 175,389, resulting in a parkland service ratio of 4.5 acres per 1,000 residents. While this is below the current standard of 5 acres per 1,000 residents, the existing inventory includes only two acres of the 465-acre El Corazon Specific Plan area. Planned development of El Corazon Park will result in an additional 210 acres of parkland. With completion of El Corazon Park, the parkland service ratio will increase to 5.7 acres per 1,000 residents (City of Oceanside 2021).

Although the project would potentially increase the utilization of existing parks and recreational facilities within the City; it is determined that the combination of proposed project open space amenities on site, existing park and recreational facilities in the area, and proposed future recreational facilities within the City would adequately serve future residents of the project site. Additionally, the project developer would be responsible for applicable Development Services Department Impact Fees. Such fees for new residential development within the City go towards facilities such as (but not limited to) parks, public facilities, and schools. Furthermore, the increase of approximately 151 people at the project site is considered nominal, and this growth has been

accounted for in the City's General Plan. Therefore, it is determined that implementation of the proposed project would have a **less-than-significant** impact on existing recreation facilities.

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?

As discussed above, approximately 24% of the project site is planned as open space. A total of approximately 27,023 square-feet of common open space is proposed, which consists of central green space, and the north and south sides of the eastern landscaped area. The centrally located common open space creates a gathering spot for neighbors, and a recreational turf area would provide an area for children to play, and an arbor arc through the center of the green space would provide shade over the proposed picnic tables. The central green space would also include a decomposed granite path winding through the landscaped area. Each residence would have a private backyard, which would provide a total of approximately 49,140 square-feet of private open space within the project site (approximately 910 square-feet per residence). Overall, a total of 76,163 square-feet of useable open space would be provided by the project. Three hundred (300) square-feet of open space per unit is required, and the project proposes 1,410 square-feet of open space per unit. This would satisfy the City's open space requirements per unit for the project site.

All proposed useable open space would be developed within the project site boundary. Implementation of the project is not anticipated to result in accelerated deterioration of existing parkland that would necessitate the construction or expansion of additional parks or recreational facilities off-site. Therefore, it is determined that impacts to recreational facilities as a result of project implementation would be **less than significant**.

4.14.5 Mitigation Measures

Impacts related to recreation as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.14.6 Level of Significance After Mitigation

No substantial impacts related to recreation were identified; therefore, no mitigation measures are required. Impacts related to recreation would be **less than significant**.

4.15 TRAFFIC AND CIRCULATION

This section describes the existing traffic/circulation setting of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Cypress Point project (proposed project) in the City of Oceanside (City). The following analysis is based on the Local Transportation Analysis (Appendix N to this EIR) that was prepared for the proposed project by Linscott, Law and Greenspan Engineers in October~~August~~ 2021. ~~The Local Transportation Analysis is included as Appendix N to this EIR.~~

A Supplemental Transportation Assessment of Fireside Street was also prepared by Linscott, Law and Greenspan Engineers on December 1, 2021 to support the findings in the Local Transportation Analysis and in support of response to comments received on the Draft EIR. This supplemental assessment is included as Appendix N-2 to the Final EIR.

4.15.1 Existing Conditions

4.15.1.1 Methodology

Level of service (LOS) is the term used to denote the different operating conditions which occur on a given roadway segment under various traffic volume loads. It is a qualitative measure used to describe a quantitative analysis taking into account factors such as roadway geometries, signal phasing, speed, travel delay, freedom to maneuver, and safety. LOS provides an index to the operational qualities of a roadway segment or an intersection, and designations range from A to F, with LOS A representing the best operating conditions and LOS F representing the worst operating conditions. LOS designation is reported differently for signalized and unsignalized intersections, as well as for roadway segments.

Intersections were analyzed under AM and PM peak hour conditions. Average vehicle delay was determined utilizing the methodology found in Chapter 18 of the Highway Capacity Manual (HCM), with the assistance of the Synchro (version 10) computer software. The delay values (represented in seconds) were qualified with a corresponding intersection LOS.

The street segment analysis is based on the comparison of daily traffic volumes (ADTs), per the City's Circulation Element Roadway Classification LOS and Capacity Table (Table 12 in the City's *Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment*, August 2020). This table is also included as part of Appendix N, and provides segment capacities for different street classifications, based on traffic volumes and roadway characteristics.

The City uses the published SANTEC/ITE guidelines to establish thresholds and methodology which were used in preparation of the Local Transportation Analysis (Appendix N). Table 4.15-1 below indicates when a project's effect on the roadway system is considered to justify the need

for roadway improvements. That is, if a project's traffic impact causes the values in the table to be exceeded, roadway improvements should be considered as follows on a case-by-case basis:

- Improvements should be consistent with the City's General Plan.
- Improvements for transit, bike and pedestrian facilities should be given priority in Transit Priority Areas or Smart Growth Opportunity Areas as identified by SANDAG.
- Projects in Transit Priority Areas or Smart Growth Opportunity Areas as identified by SANDAG that are consistent with the General Plan at the time of project application, should not be denied due to the inability to provide roadway improvements (i.e., existing right-of-way is constrained).

Table 4.15-1
City of Oceanside
Determination of the Need for Roadway Improvements

	Allowable Change due to Project Effect	
	Roadway Segments	*Intersections*
Level of Service with Project[a]	*V/C*	*Delay (sec.)*
E and F	0.02	2.0

Source: SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region, May 2019

[a] All level of service measurements are based upon HCM procedures for peak-hour conditions. However, V/C ratios for Roadway Segments may be estimated on an ADT/24-hour traffic volume basis (using Table 2 or a similar LOS chart for each jurisdiction). The acceptable LOS for roadways and intersections is generally "D" ("C" for undeveloped or not densely developed locations per jurisdiction definitions).

General Notes:

1 V/C = Volume to Capacity Ratio

2 Delay = Average stopped delay per vehicle measured in seconds for intersections.

4.15.1.2 Traffic Study Area

The following study area was developed based on the anticipated assignment of proposed project traffic and locations which will carry the most project traffic, per City of Oceanside staff coordination and scoping meetings (Appendix N). The study area meets and exceeds the trip-based criteria from the City's guidelines, which state that:

1. All signalized intersections and project driveways shall be analyzed if the project will add 50 or more new peak hour trips in either direction.
2. All unsignalized intersections and project driveways shall be analyzed if the project will add 50 or more new peak hour trips in either direction.
3. All freeway ramp intersections and signalized ramp meters shall be analyzed if the project will add 20 or more new peak hour trips in either direction.

The following intersections and street segments were analyzed in the Local Transportation Analysis:

Intersections

1. Los Arbolitos Boulevard/Pala Road
2. Fredricks Avenue/Pala Road
3. Fredricks Avenue/Los Arbolitos Boulevard
4. N. El Camino Real/Los Arbolitos Boulevard
5. N. El Camino Real/Mission Avenue

Street Segments

1. Pala Road - Los Arbolitos Boulevard to Fredricks Avenue
2. Fredricks Avenue - Los Arbolitos Boulevard to Pala Road
3. Los Arbolitos Boulevard - Pala Road to Fredricks Avenue
4. Los Arbolitos Boulevard - Fredricks Avenue to N. El Camino Real
5. N. El Camino Real - Los Arbolitos Boulevard to Mission Avenue

The Local Transportation Analysis (Appendix N) includes an analysis of the following scenarios, which is described in detail herein:

- Existing Conditions
- Existing Conditions + Project
- Existing Conditions + Near-Term Cumulative Projects
- Existing Conditions + Near-Term Cumulative Projects + Project

4.15.1.3 Existing Transportation System

Existing Roadway Circulation System

The existing traffic controls and geometrics at the study area intersections are shown in Appendix N. Characteristics of the existing street system in the study are described below.

El Camino Real is classified as a 4-Lane Major Arterial between Los Arbolitos Boulevard and Mesa Drive on the *City of Oceanside Circulation Element.* It is currently constructed as a 4-lane divided roadway with a raised center median. The posted speed limit is 40 mph from Los Arbolitos Boulevard to Mission Avenue and 45 mph from Mission Avenue to Mesa Drive. On-street parking is not permitted, and Class II bicycle lanes are striped along both sides of the street within the study area.

Los Arbolitos Boulevard is an unclassified roadway on the *City of Oceanside Circulation Element*. It is currently constructed as a 2-lane undivided roadway with a two-way left-turn lane between El Camino Real and Pala Road. Bicycle lanes are not provided within the study area and the posted speed limit is 30 mph. On-street parking and sidewalks are provided on both sides of the roadway.

Pala Road is classified as a 2-Lane Collector on the *City of Oceanside Circulation Element*. It is currently constructed as a 2-lane roadway with a continuous two-way left turn lane. Class II bicycle lanes and sidewalks are provided in both directions within the study area. On-street parking is permitted along certain parts of the street and the posted speed limit is 35 mph.

Fredricks Avenue is an unclassified roadway on the *City of Oceanside Circulation Element*. It is currently constructed as a 2-lane undivided roadway. Bicycle lanes are not provided and the posted speed limit is 25 mph. On-street parking and sidewalks are provided on both sides of the roadway.

Existing Bicycle Network

As identified by the California Department of Transportation (Caltrans), the following classes are used to identify bicycle facilities within the City of Oceanside:

Class I Bike Paths are hard-surface routes within an exclusive right-of-way physically separated from vehicular roadways and intended specifically for non-motorized use.

Class II Bike Lanes are marked bicycle lanes within roadways adjacent to the curb lane, delineated by appropriate striping and signage.

Class III Bike Routes are marked by a series of signs designating a preferred route between destinations such as residential neighborhoods and shopping areas. These routes share the right-of-way with on-road vehicles.

The San Luis Rey River Trail is an approximately 9-mile Class I bike path that extends from two blocks east of the beach near the intersection of Sea Cottage Way/Neptune Way, to Andrew Jackson Street. In the vicinity of the project site, access to the San Luis Rey River Trail is available at the north and west boundaries of the project site.

There are currently Class II Bike Lanes in each direction of travel on Pala Road, Mission Avenue, and El Camino Real (south of Mission Avenue) in the vicinity of the project site, consistent with the *Oceanside General Plan Circulation Element*, September 2012.

Existing Transit Conditions

The project area is provided transit service via the North County Transit District (NCTD). There are 12 bus routes operated by the NCTD in Oceanside. The routes that operate near the project area are 303, 309, and 311. Bus stops within a 1-mile radius of the project site include the stops located at Pala Road and Fredricks Avenue, Los Arbolitos Boulevard and Orr Street, and El Camino Real and Mission Avenue. A summary of bus routes 33, 309, and 311 is provided below.

Route 303 has endpoints at the Oceanside Transit Center and the Vista Transit Center. Rout 303 serves the following major corridors: Mission Avenue, Douglas Drive, N. River Road, and N. Santa Fe Avenue. Route 303 has a weekday frequency of 15 minutes.

Route 309 has endpoints at College Boulevard Town Center North and Encinitas Station. Route 309 serves the following major corridors: El Camino Real, and Douglas Drive. Route 309 has a weekday frequency of 30 minutes.

Route 311 has endpoints at the San Luis Rey Transit Center and the Rancho Del Oro Transit Station. Route 311 serves the following major corridors: Douglas Drive, El Camino Real, Mission Avenue, and Rancho Del Oro Drive. Route 311 has a weekday frequency of 30 minutes to 1 hour.

4.15.1.4 Existing Traffic Volumes

Daily segment counts and peak hour (7:00 to 9:00 AM and 4:00 to 6:00 PM) intersection turning movement counts were conducted in October 2020 within the project study area. Due to the Covid-19 pandemic, which had altered traffic patterns, a growth rate of 20% was applied to the October 2020 traffic counts in order to replicate pre-pandemic levels. This growth rate is based on historical traffic data. Daily traffic counts were compared between the pre-Covid and post-Covid time frames to assist in determining the proper factor. Additional information on how this rate was calculated is included in Appendix N. Additionally, Figure 5-2 in Appendix N shows the Existing Traffic Volumes.

Intersections

An intersection LOS analysis was prepared for the existing conditions. Table 4.15-2 shows the results of the existing conditions LOS analysis. As shown in the table, all the study area intersections are calculated to currently operate acceptably at LOS D or better during the AM and PM peak hours.

Table 4.15-2
Existing Conditions Intersection Operations

No.	Intersection	Control Type	AM Peak		PM Peak	
			Delay[a]	*LOS*[b]	*Delay*[a]	*LOS*[b]
1	Los Arbolitos Boulevard/Pala Road	MSSC[c]	8.3	A	8.5	A
2	Fredricks Avenue/Pala Road	AWSC[d]	8.3	A	8.4	A
3	Fredricks Avenue/ Los Arbolitos Boulevard	MSSC[c]	12.1	B	18.0	C
4	N. El Camino Real/Los Arbolitos Boulevard	Signal	11.6	B	12.8	B
5	N. El Camino Read/Mission Avenue	Signal	25.0	C	43.1	D

Source: Appendix N.
Notes:
MSSC = Minor Street Stop Controlled; AWSC = All Way Stop Controlled Intersection.
[a] Average delay expressed in seconds per vehicle
[b] Level of Service (LOS)
[c] Worse-Case delay reported
[d] AWSC = All Way Stop Controlled Intersection

Roadway Segments

A roadway segment LOS analysis was prepared for the existing conditions. As shown in the Table 4.15-3, all the study area roadway segments are calculated to currently operate acceptably at LOS C or better.

Table 4.15-3
Existing Conditions Street Segment Operations

Street Segment	Functional Classification	Capacity (LOS C)[a]	Existing		
			ADT[b]	*LOS*[c]	*V/C*[d]
Pala Rd - Los Arbolitos to Fredricks Ave	2-Lane Collector w/ TWLTLe	15,000	1,480	A	0.099
Fredricks Ave - Los Arbolitos to Pala Rd	2-Lane Collector	10,000	2,110	A	0.211
Los Arbolitos - Pala Rd to Fredricks Ave	2-Lane Collector w/ TWLTL	15,000	3,600	A	0.240
Los Arbolitos - Fredricks Ave to N. El Camino Real	2-Lane Collector w/ TWLTL	15,000	6,970	B	0.465
N. El Camino Read - Los Arbolitos to Mission Ave	4-Lane Major	40,000	27,330	C	0.683

Source: Appendix N
Notes:
[a] Capacities based on City of Oceanside *Circulation Element Roadway Classification LOS* and *Capacity* table
[b] ADT – Average Daily Traffic
[c] LOS – Level of Service
[d] V/C – volume to capacity ratio
[e] TWLTL – Two-Way Left-Turn Lane

Cumulative Projects

Cumulative projects are other projects in the study area that would add traffic to the local circulation system in the near future. The projects outlined in Table 4.15-4 were identified for inclusion in the near-term cumulative analysis. Additionally, Figure 7-1 in Appendix N shows the Cumulative Projects only traffic volumes on the existing street network.

Table 4.15-4
Cumulative Projects

Project Name	Type of Development	Project Size	ADT
Ocean Kampa	Hotel, Multi-Family Residential, Commercial/Retail	150 Hotel Rooms, 350 Residential Dwelling Units, 63,000 SF of commercial/retail	9,520
Mission Flats	Multi-Family Residential, Commercial/Retail	137 Residential Dwelling Units, 4,200 SF of commercial/retail	990
Oceanpointe Multi-Family	Multi-Family Residential	158 residential dwelling units	1,264

Source: Appendix N
Note:
[a] 50% of the Ocean Kamp project assumed to be construction and occupied under near-term conditions.

4.15.2 Regulatory Setting

State

California Department of Transportation

Caltrans is the primary state agency responsible for transportation issues. One of its duties is the construction and maintenance of the state highway system. Caltrans has established standards for roadway traffic flow and has developed procedures to determine if intersections require improvements. For projects that may physically affect facilities under its administration, Caltrans requires encroachment permits before any construction work may be undertaken. For projects that would not physically affect facilities, but may influence traffic flow and levels of services at such facilities, Caltrans may recommend measures to mitigate the traffic impacts of such projects.

AB 1358 – California Complete Streets Act of 2008

The California Complete Streets Act of 2008 (Assembly Bill [AB] 1358) requires circulation elements as of January 1, 2011 to accommodate the transportation system from a multi-modal perspective, including public transit, walking and biking, which have traditionally been marginalized in comparison to autos in contemporary American urban planning.

SB 743, CEQA Guidelines Update

In December 2018, the California Natural Resources Agency certified and adopted the CEQA Guidelines update package, including Guidelines section 15063.4, which implements Senate Bill 743. SB 743 required new metrics for analyzing transportation impacts under CEQA to provide an alternative to level of service (LOS). Measurements of transportation impacts may include vehicle miles traveled (VMT),[1] vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. In most cases, a project's effect on automobile delay will no longer constitute a significant environmental impact.[2]

The justification for this paradigm shift is that when significant impacts are identified under a LOS and delay-based analysis, the mitigation is often to provide road improvements, which increase roadway capacity that inherently accommodates more vehicular traffic resulting in additional greenhouse gas emissions. In contrast, under a VMT based analysis, mitigation typically takes the form of strategies intended to reduce vehicle traffic, rather than accommodate such traffic, thereby reducing vehicle traffic and associated emissions. Lead agencies were tasked to transition to the new guidelines and establish thresholds for transportation impacts no later than July 1, 2020.

Local

City of Oceanside General Plan Circulation Element and Master Transportation Roadway Plan

As required by State of California Law, the City has included and adopted a Master Transportation Roadway Plan as part of the City's General Plan. In tandem with the other elements of the City's General Plan, the Master Transportation Roadway Plan creates and addresses goals and policies as they related to the City's transportation system. The Master Transportation Roadway Plan, a subsection of the Circulation Element, focuses on maintaining and improving the City's roadways that compose the transportation network by providing service standards, objectives, and policies (City of Oceanside 2012). Applicable General Plan goals and their corresponding policies are outlined in Table 4.10-1 in Section 4.10 of this EIR.

SANDAG's San Diego Forward: The Regional Plan

The San Diego Association of Governments' (SANDAG) *San Diego Forward: The Regional Plan* (Regional Plan) combines the region's two most important existing planning documents—the Regional Comprehensive Plan (RCP) and the Regional Transportation Plan and its Sustainable Communities Strategy (RTP/SCS). The RCP, adopted in 2004, laid out key principles for managing the region's growth while preserving natural resources and limiting urban sprawl. The

[1] VMT refers to the amount and distance of automobile travel attributable to a project.

[2] SB 743 also amends congestion management law to allow cities and counties to opt out of LOS standards within certain infill areas (Governor's Office of Planning and Research 2019).

plan covered eight policy areas, including urban form, transportation, housing, healthy environment, economic prosperity, public facilities, our borders, and social equity. These policy areas were addressed in the 2050 RTP/SCS and are now fully integrated into the Regional Plan.

The 2050 RTP provides a plan for investing an estimated $214 billion in local, state, and federal transportation funds expected to come to the region over the next 40 years. The 2050 RTP is the blueprint for a regional transportation system that further enhances quality of life, promotes sustainability, and offers more mobility options for people and goods. The plan outlines projects for transit, rail and bus service, express or managed lanes, highways, local streets, bicycling, and walking to provide an integrated, multimodal transportation system by mid-century. Pursuant to SB 375, the 2050 RTP also includes the Sustainable Communities Strategy (SCS), which details how the region will reduce GHG emissions to state-mandated levels over time. The 2050 RTP and SCS are components of *San Diego Forward: The Regional Plan*, which was adopted by the San Diego Association of Governments (SANDAG) Board of Directors on October 9, 2015 (SANDAG 2015).

RTPs are developed to provide a clear vision of the regional transportation goals, objectives, and strategies. In addition, RTPs must reflect Senate Bill (SB) 375 (Steinberg, Statutes of 2008), which targets regional GHG emissions reductions from passenger vehicles and light-duty trucks through changes in land use and transportation development patterns. SANDAG is required to adopt and submit an updated RTP to the California Transportation Commission and Caltrans every 4 or 5 years, depending on air quality attainment within the region.

SANDAG is currently obtaining public and stakeholder input to prepare the draft 2021 Regional Plan. Initial visioning for the plan shows SANDAG intends to focus of five key transportation strategies known as the Five Big Moves: complete corridors (multimodal roads); transit leap (fast and flexible transit); mobility hubs (connection points); flexible fleets (first and last mile options); and next Operating System (OS)(enabling technology). The draft 2021 Regional Plan is presently anticipated to be released and undergo review in mid-2021.

Congestion Management Program (CMP)

The 2008 Congestion Management Program (CMP) for San Diego County was developed to meet the requirements of Section 65089 of the California Government Code. Since that time, the local agencies within San Diego County elected to opt out of the CMP requirements, as allowed within the Government Code. As such, there are no CMP-specific requirements associated with this project. However, to ensure the region's continued compliance with the federal congestion management process, SANDAG has prepared *San Diego Forward: The Regional Plan* in compliance with 23 Code of Federal Regulations 450.320. The Regional Plan incorporates performance monitoring and measurement of the regional transportation system, multimodal

alternatives to single-occupancy vehicles, land use impact analysis, congestion management tools, and Integration with the Regional Transportation Improvement Program process.

4.15.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to traffic and circulation are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to traffic and circulation would occur if the proposed project would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
4. Result in inadequate emergency access.

In accordance with the above significance criteria, this analysis uses the following standards to evaluate traffic impacts.

Vehicle Level of Service (LOS)

The City's Circulation Element (City of Oceanside 2012) has an objective to: "Aim for an acceptable Level of Service (LOS) D or better on all Circulation Element roadways on an average daily basis and at intersections during the AM and PM peak periods." Therefore, if a project causes a facility to operate from LOS D or better, to LOS E or F, the project would have a significant impact. Furthermore, based on the City's Significance Determination Thresholds, impacts related to street system traffic load and capacity would be significant if any intersection, roadway segment, or freeway segment, affected by the project, would operate at LOS E or F under either direct or cumulative conditions.

As described above, the City of Oceanside uses the SANTEC/ ITE guidelines for the determination of significance of vehicular traffic impacts. Per these guidelines, LOS D or better is considered acceptable. Significance thresholds are shown in Table 4.15-1 above. If the project's traffic impact causes the value in this table to be exceeded, it is determined to be a significant project impact.

Multi-modal Plan Consistency

The multi-modal consistency analysis shall be based on consistency with the Circulation Element. The Circulation Element goals and polices are aimed at incorporating complete streets throughout the Oceanside transportation network that serve all users of streets, roads and highways, regardless

of their age or ability, or whether they are driving, walking, bicycling, or using transit. If the project does not comply with an aspect of the Circulation Element, then further review would be necessary to determine if a potential physical significant impact would result.

CEQA Consistency

An assessment was conducted to determine the impacts on Vehicle Miles Traveled (VMT) for the project. This assessment utilizes methodologies presented within the Governor's Office of Planning and Research (OPR) Technical Advisory developed to assist with implementation of Senate Bill 743 (SB 743), which resulted in a shift in the measure of effectiveness for determining transportation impacts from Level of Service (LOS) and vehicular delay to VMT. VMT analyses are required in all California Environmental Quality Act (CEQA) documents as of July 1, 2020.

The City of Oceanside utilizes the Institute of Transportation Engineers (ITE) *San Diego Regional Guidelines* (May 2019) to establish thresholds and methodology for VMT analysis. Based on the recommendations of the ITE for the San Diego region, a VMT analysis for CEQA is not required for projects consistent with the City's adopted General Plan and calculated to generate less than 1,000 Average Daily Trips (ADT). This is based on keeping consistent with the thresholds previously used and *SANDAG's Not So Brief Guide Trip Generation* (2002). These thresholds are based on the understanding that SANDAG trip generation rates differ from ITE trip generation rates which OPR's recommendations are based on.

The City's adopted General Plan represents the vision and goals the City has for the community. VMT analysis is not needed for projects that support these goals and generate fewer than 1,000 ADT, as noted in Table 3 of the City of Oceanside *Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMY) and Level of Service Assessment* (August 2020). The project is consistent with the City's adopted General Plan and is calculated to generate fewer than 1,000 ADT, as further discussed in Section 4.15.4. Therefore, a Transportation VMT CEQA Analysis is not required and was therefore not prepared for this project.

Geometric Design and Emergency Access

To determine impacts related to hazards due to a geometric design feature and emergency access adequacy, a review of compliance with the City's roadway standards is utilized. City roadway and emergency access requirements are considered to provide for address roadway safety and adequate emergency access. If a feature does not comply with the standards, then further review is necessary to determine if a potential hazard or inadequate emergency access would occur.

4.15.4 Impacts Analysis

Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

The project site is located on a vacant infill site, with numerous existing bicycle, pedestrian, and transit facilities surrounding the project site, as discussed above. As described in Chapter 3 of this EIR, the project includes 54 single-family homes ranging from approximately 1,200 to 1,700 sf located around a proposed private loop road within the project site. Primary site access is proposed to be taken from a westerly extension of Pala Road at the southern edge of the project site. Secondary emergency access would be available via Aspen Street, at the midpoint of the project on the east side. Both public road entries lead to the private road with frontage for residences and guest parking areas. The project would provide a total of 254 parking spaces on site for residents and guests. Each home would have a two-car garage set back from the front façade, and driveways would be designed to allow for two full sizes parked cars, allowing parking for four (4) cars per home. In addition to the parking at each residence, the project would also provide 38 surface parking spaces on site for guests and residents.

Pedestrian access is provided by sidewalks in each direction of travel along Los Arbolitos Boulevard, Pala Road, Fredricks Avenue, El Camino Real, Mission Avenue, and Aspen Street. Sidewalk improvements proposed for Aspen Street would include extending the curb, gutter, and sidewalk on both sides leading into the project site with ADA-accessible corner curbs. Aspen Street will be gated and closed at all times except in the event of an emergency. Pedestrian access doors will be installed on both the Aspen Street and Pala Road sidewalks for use by the Cypress Point residents but closed to the general public.

There are currently Class II bike lanes in each direction of travel on Pala Road, Mission Avenue, and El Camino Real (south of Mission Avenue) in the vicinity of the project site. The project would maintain access to the San Luis Rey River Trail bike path. The closest public access point to the San Luis Rey River Trail bike path from the project site is located just east, off Cypress Road.

The project area is provided transit service via the North County Transit District (NCTD), which operates the Oceanside Transportation Center located approximately 4.3 miles from the project site. The routes that operate near the project area are routes 303, 309, and 311. Bus stops within a 1-mile radius of the project site include the stops located at Pala Road and Fredricks Avenue, Los Arbolitos Boulevard and Orr Street, and El Camino Real and Mission Avenue. Additionally, the Oceanside Transportation Center has connections to the following NCTD routes: 101, 302, 313, 318, 392 FLEX, 395 Flex, RTA 202, Coaster, Amtrak, Metrolink, Greyhound and Sprinter.

Construction of the proposed project would have the potential to create temporary traffic impacts by the generation of construction-related traffic (construction workers, and vendor and haul

trucks) to and from the project site. However, the traffic generated by the construction phase would be removed from the street network once the project is constructed. All construction related traffic would access the project site via the proposed entrance along the proposed extension of Pala Road on the southern boundary of the project site. Most of the construction activities would occur on the project site. For any potential construction related activities in the public right-of-way during the construction period, applicable City regulations and policies require two-way traffic would be maintained.

As described in Section 4.15.1 above, a project-specific local transportation assessment (LTA) was prepared for the project that analyzes automobile delay and LOS. The LOS analysis was conducted to identify project effects on the roadway operations in the Project study area and to recommend project improvements to address noted deficiencies; however the CEQA impact significance determination for the proposed project is based only on VMT and LOS. The proposed project generates over 200 ADT but less than 1,000 ADT and is consistent with the City's adopted General Plan. Therefore, a LTA was prepared consistent with City guidelines. The findings of the LTA prepared for the project are described herein.

Proposed Project Trip Generation

Trip generation estimates for the proposed project are based on daily and AM and PM peak hour trip generation rates obtained from the SANDAG *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region* (SANDAG 2002), which are the generation rates used for traffic analysis in the City and elsewhere in the region. The "Residential, Single Family Detached (average 3-6 DU/acre)" trip rate was used to estimate the project trip generation. As shown in Table 4.15-5, the project is calculated to generate 540 daily trips with 42 trips during the AM peak hour (13 inbound/ 29 outbound trips) and 53 trips during PM peak hour (37 inbound/ 16 outbound trips) (Appendix N).

Table 4.15-5
Project Trip Generation

Use	Quantity	Daily Trip Ends (ADT)[a]		AM Peak Hour				PM Peak Hour			
		Rate[b]	*Volume*	*% of ADT*	*In:Out Split*	*Volume*		*% of ADT*	*In:Out Split*	*Volume*	
						In	*Out*			*In*	*Out*
Residential – Single Family Detached	54 DU	10/DU	540	8%	30:70	13	29	10%	70:30	37	16

Source: Appendix N
Notes:
[a] Average Daily Trips
[b] Trip Generation Rate from the SANDAG's *Not So Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, 2002

Proposed Project Trip Distribution/Assignment

Project traffic was distributed to the street system based on existing traffic patterns in the area, and the project's proximity to freeways and arterials, locations of retail, places of employment, schools, and other shopping opportunities. Figures 8-1, 8-2, and 8-3 in Appendix N show the distribution of the project trips, project traffic volumes, and the Existing + Project scenario traffic volumes, respectively.

Existing Plus Project Conditions

Intersections

Table 4.15-6 summarizes the peak hour intersection operations under the Existing + Project scenario conditions in the study area. As shown, the study area intersections are calculated to continue to operate acceptably at LOS D or better during the AM and PM peak hours with the addition of project trips and therefore, based on the City's traffic thresholds and methodology summarized in Section 4.15.1.1 above, roadway improvements are not required.

Table 4.15-6
Existing with Project Intersection Operations

Intersection	Control Type	Peak Hour	Existing		Existing with Project		Change in Delay[c]	Improvement Required?
			Delay[a]	*LOS*[b]	*Delay*	*LOS*		
1. Los Arbolitos Blvd / Pala Road	MSSC[d]	AM	8.3	A	10.8	B	2.5	No
		PM	8.5	A	10.3	B	1.8	
2. Fredricks Ave / Pala Road	AWSC[e]	AM	8.3	A	8.3	A	0.0	No
		PM	8.4	A	8.5	A	0.1	
3. Fredricks Ave / Los Arbolitos Blvd	MSSC	AM	12.1	B	12.6	B	0.5	No
		PM	18.0	C	19.4	C	1.4	
4. N. El Camino Real / Los Arbolitos Blvd	Signal	AM	11.6	B	12.4	B	0.8	No
		PM	12.8	B	13.6	B	0.8	
5. N. El Camino Real / Mission Ave	Signal	AM	25.0	C	25.4	C	0.4	No
		PM	38.8	D	40.5	D	1.7	

Source: Appendix N
Notes:
[a] Average delay expressed in seconds per vehicle
[b] Level of Service
[c] Increase in delay due to Project
[d] MSSC=Minor Street Stop Controlled. Worse-Case delay reported
[e] AWSC= All Way Stop Controlled Intersection

Since all study area intersections are forecast to operate at LOS D or better, the project would have a **less-than-significant impact** on intersections under Existing plus Project conditions.

Street Segments

Table 4.15-7 summarized the Existing Plus Project scenario street segment operations along the study area roadways. As shown, the study area street segments are calculated to continue to operate acceptably at LOS C or better with the addition of project trips. Based on the City of Oceanside's traffic thresholds and methodology, roadway improvements are not required.

Table 4.15-7
Existing with Project Street Segment Operations

Street Segment	Capacity (LOS D)[a]	Existing			Existing with Project			Change in V/C Δ[d]	Improvement Required?
		ADT[b]	*LOS*[c]	*V/C*	*ADT*	*LOS*	*V/C*		
Pala Road Los Arbolitos Blvd to Fredricks Ave	13,000	1,480	A	0.114	1,670	A	0.128	0.014	No
Fredricks Ave Los Arbolitos Blvd to Pala Road	9,000	2,110	A	0.234	2,160	A	0.240	0.006	No
Los Arbolitos Blvd Pala Road to Fredricks Ave	13,000	3,600	A	0.277	3,950	A	0.304	0.027	No
Los Arbolitos Blvd Fredricks Ave to N. El Camino Real	13,000	6,970	B	0.536	7,380	C	0.568	0.032	No
N. El Camino Real Los Arbolitos Blvd to Mission Ave	35,000	27,330	C	0.781	27,710	C	0.792	0.011	No

Source: Appendix N
Notes: ADT – Average Daily Traffic Volumes, LOS – Level of Service, V/C – Volumes to Capacity Ratio
[a] Capacities based on City of Oceanside *Circulation Element Roadway Classification LOS & Capacity* table (See *Appendix B*).
[b] Average Daily Traffic Volumes.
[c] Level of Service
[d] Δ denotes the increase in V/C due to Project.

Since all study area street segments are forecast to operate at LOS C or better, the project would have a **less-than-significant impact** on street segments under Existing plus Project conditions.

Near-Term Conditions

The analysis of study area intersections and street segments under Near-Term conditions without and with the proposed project is outlined below. Near-Term without Project scenario traffic volumes were calculated by adding the cumulative projects traffic volumes onto the Existing traffic volumes. Near-Term + Project traffic volumes were calculated by then adding the Project traffic volumes.

Near-Term without Project Conditions

Intersections

Table 4.15-8 summarizes the peak hour intersection operations under Near-Term and Near-Term with Project conditions. As shown, the study area intersections are calculated to operate acceptably at LOS D or better during the AM and PM peak hours without the addition of project trips.

Table 4.15-8
Near-Term Intersection Operations

Intersection	Control Type	Peak Hour	Near-Term		Near-Term with Project		Change in Delay[c]	Improvement Required?
			Delay[a]	*LOS*[b]	*Delay*	*LOS*		
1. Los Arbolitos Blvd / Pala Road	MSSC[d]	AM	8.3	A	11.0	B	2.7	No
		PM	8.6	A	11.2	B	2.6	
2. Fredricks Ave / Pala Road	AWSC[e]	AM	8.3	A	8.3	A	0.0	No
		PM	8.5	A	8.6	A	0.1	
3. Fredricks Ave / Los Arbolitos Blvd	MSSC	AM	12.3	B	12.8	B	0.5	No
		PM	18.5	C	20.0	C	1.5	
4. N. El Camino Real / Los Arbolitos Blvd	Signal	AM	11.9	B	12.7	B	0.8	No
		PM	13.2	B	14.0	B	0.8	
5. N. El Camino Real / Mission Ave	Signal	AM	26.6	C	27.0	C	0.4	No
		PM	46.4	D	48.7	D	2.3	

Source: Appendix N
Notes:
[a] Average delay expressed in seconds per vehicle
[b] Level of Service
[c] Increase in delay due to Project
[d] MSSC=Minor Street Stop Controlled. Worse-Case delay reported
[e] AWSC= All Way Stop Controlled Intersection

Street Segments

Table 4.15-9 summarizes the Near-Term street segment operations along the study area roadways. As shown, the study area street segments are calculated to operate acceptably at LOS C or better without the addition of project trips.

Table 4.15-9
Near-Term Street Segment Operations

Street Segment	Capacity (LOS C)[a]	Near-Term			Near-Term with Project			Change in V/C Δ[d]	Improvement Required?
		ADT[b]	*LOS*[c]	*V/C*	*ADT*	*LOS*	*V/C*		
Pala Road Los Arbolitos Blvd. to Fredricks Ave	13,000	1,700	A	0.131	1,890	A	0.145	0.014	No
Fredricks Avenue Los Arbolitos Blvd. to Pala Road	9,000	2,140	A	0.238	2,190	A	0.243	0.005	No
Los Arbolitos Blvd. Pala Road to Fredricks Avenue	13,000	3,820	A	0.294	4,170	A	0.321	0.027	No
Los Arbolitos Blvd. Fredricks Ave to N. El Camino Real	13,000	7,190	C	0.553	7,600	C	0.585	0.032	No
N. El Camino Real. Los Arbolitos Blvd to Mission Ave	35,000	27,835	C	0.795	28,215	C	0.806	0.011	No

Source: Appendix N
Note:
[a] Capacities based on City of Oceanside *Circulation Element Roadway Classification LOS* and *Capacity* table
[b] Average Daily Traffic Volumes.
[c] Level of Service
[d] Δ denotes the increase in V/C due to Project

Near-Term with Project Conditions

Intersections

As shown in Table 4.15-8 above, the study area intersections are calculated to operate acceptably at LOS D or better during the AM and PM peak hours with and without the addition of project trips; and therefore, based on the City of Oceanside's traffic thresholds and methodology, roadway improvements are not required

Street Segments

As shown in Table 4.15-9 above, the study area street segments are calculated to operate acceptably at LOS C or better with and without the addition of project trips; and therefore, based on the City of Oceanside's traffic thresholds and methodology, roadway improvements are not required.

In conclusion, the project site is located near existing roadway infrastructure, and exiting bicycle, pedestrian and transit opportunities in the project vicinity as described above and throughout this EIR. The projects consistency with the City's General Plan Circulation Element goals and policies is outlined in Table 4.10-1 in Section 4.10 of this EIR. The project would be consistent

with all General Plan Circulation Element goals and policies. Based on the City's traffic thresholds and methodology summarized in Section 4.15.1 and the analysis outlined above, roadway improvements would not be required due to project implementation as the increase in project related traffic delay would not exceed the allowable threshold. Additionally, a transportation VMT CEQA analysis would not be required for the project based on consistency with City guidelines. Therefore, based on the findings above, and the design features to be implemented by the project, implementation of the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and impacts are determined to be **less than significant**.

Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

As described in Section 4.15.3 above, an assessment was conducted to determine the impacts on Vehicle Miles Traveled (VMT) for the project. This assessment utilizes methodologies presented within the Governor's Office of Planning and Research (OPR) Technical Advisory developed to assist with implementation of Senate Bill 743 (SB 743), which resulted in a shift in the measure of effectiveness for determining transportation impacts from Level of Service (LOS) and vehicular delay to VMT. VMT analyses are required in all California Environmental Quality Act (CEQA) documents as of July 1, 2020.

The City of Oceanside utilizes the Institute of Transportation Engineers (ITE) *San Diego Regional Guidelines* (May 2019) to establish thresholds and methodology for VMT analysis. Based on the recommendations of the ITE for the San Diego region, a VMT analysis for CEQA is not required for projects consistent with the City's adopted General Plan and calculated to generate less than 1,000 Average Daily Trips (ADT). This is based on keeping consistent with the thresholds previously used and *SANDAG's Not So Brief Guide Trip Generation* (2002). These thresholds are based on the understanding that SANDAG trip generation rates differ from ITE trip generation rates which OPR's recommendations are based on.

The City's adopted General Plan represents the vision and goals the City has for the community. VMT analysis is not needed for projects that support these goals and generate fewer than 1,000 ADT, as noted in Table 3 of the City of Oceanside *Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMY) and Level of Service Assessment* (August 2020). The project is consistent with the City's adopted General Plan and is calculated to generate fewer than 1,000 ADT, as outlined in response to Threshold 1 above. Therefore, a Transportation VMT CEQA Analysis is not required and was therefore not prepared for this project. For these reasons, impacts are determined to be **less than significant**.

Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

As described above and in Chapter 3 of this EIR, the project site is located north of Pala Road and west of Los Arbolitos Boulevard. The proposed 54 single-family residences would be surrounding an internal private loop road within the project site. Pala Road would provide the primary vehicular access to the proposed project from a proposed westerly extension of Pala Road at the southern edge of the project site (Figure 3-1 in Chapter 3). Secondary emergency access to the project site would be available via Aspen Street, at the midpoint of the project on the east side. Aspen Street will be gated and closed at all times except in the event of an emergency. Pedestrian access doors will be installed on both the Aspen Street and Pala Road sidewalks for use by the Cypress Point residents but closed to the general public.

The project proposes sidewalk improvements to Aspen Street, including extending the curb, gutter, and sidewalk on both sides of the street leading to the project site with ADA-accessible corner curbs. A 5-foot curb, gutter, and sidewalk would surround the homes on the interior side of the loop road, with an additional sidewalk along the Pala Road extension into the project site that would connect with corner curbs to the inner loop sidewalk.

The project does not propose any sharp curves or dangerous intersections that could result in the potential for increased hazards. Additionally, final project plans would be subject to City review to ensure adequate access points and proposed street and sidewalk improvements. For these reasons, impacts are determined to be **less than significant**.

Would the project result in inadequate emergency access?

The proposed project would provide two access points for emergency responders: one entrance from the south of the site via Los Arbolitos Boulevard (from El Camino Real), and one from the east of the site via Aspen Street. The proposed project would not require the full closure of any public or private streets or roadways during construction or operations and would not impede access of emergency vehicles to the project or any surrounding areas. During the proposed sidewalk improvements to Aspen Street, including extending the curb, gutter, and sidewalk on both sides of the street leading to the project site with ADA-accessible corner curbs, the project would implement a traffic control plan to ensure continued access through the area. This traffic control plan is a standard City requirement and a condition of approval required for projects that involve improvements with within a right-of-way or access easement and would be subject to approval by the City Traffic Engineer. Further, the project would provide all required emergency access in accordance with the requirements of the Oceanside Fire Department, as detailed in Chapter 4.13 Public Services.

As California Fire Code and the City of Municipal Code requirements are intended to ensure adequate emergency access and the project would meet or exceed such requirements, the proposed project would not result in inadequate emergency access and impacts would be **less than significant**.

4.15.5 Mitigation Measures

Impacts related to traffic and circulation as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.15.6 Level of Significance After Mitigation

No substantial impacts related to traffic and circulation were identified; therefore, no mitigation measures are required. Impacts related to traffic and circulation would be **less than significant**.

4.16 TRIBAL CULTURAL RESOURCES

This section describes the existing setting for tribal cultural resources, identifies associated regulatory requirements, evaluates potential impacts, and establishes mitigation measures related to implementation of the Cypress Point project (proposed project). This analysis is based on the following, as well as Assembly Bill (AB) 52 consultation between the City and interested tribes:

- Cultural Resources Survey Report for the Cypress Point Project, City of Oceanside, California, prepared by Brian F. Smith and Associates, Inc. in September 2020 (included as Appendix D of this EIR)
- A Phase I and II Cultural Resources Study for the Cypress Point Project, City of Oceanside, California, prepared by Brian F. Smith and Associates, Inc. in October 2020 (included as Appendix E of this EIR)

4.16.1 Existing Conditions

The project area lies within the city of Oceanside, located directly west of the terminus of Aspen Street along the southern bank of the San Luis Rey River and north of Highway 76. Vegetation consists of native grasses throughout the project area overlying Tujunga sandy deposits, 0 to 5 percent slopes. The project property has been previously graded and elevations range from 44 to 51 feet above mean sea level (AMSL).

4.16.1.1 Cultural Setting

The project is located along the southern bank of the San Luis Rey River, which would have provided a rich and varied food resource that was less subject to the debilitating effects of limited seasonal rainfall than the inland areas of San Diego County. At the time of the first European colonization (1769), and for a period of time thereafter, Native American people used resources from the bay and adjacent wetland areas. The cultures that have been identified in the general vicinity of the project consist of possible Paleo Indian manifestation of the San Dieguito Complex, the Archaic and Early Milling Stone horizons represented by the La Jolla Complex, and the Late Prehistoric Kumeyaay culture. The prehistory of the region is divided into four major periods: Early Man (Prior to 8500 B.C.), Paleo Indian Period (8500 to 6000 B.C.), Early Archaic (6000 B.C. to A.D. 0), and Late Prehistoric (0 A.D. to 1769). The area was then used for ranching and farming following the Hispanic intrusion into the region and extending into the historic period. The historic period is also divided into four major periods: Exploration Period (1530 to 1769), Spanish Colonial Period (1769 to 1821), Mexican Period (1821 to 1846), and Anglo-American Period (1846 to Present). The prehistory and historic periods of the region are described in detail in Appendix D and E of this EIR.

South Coastal Information Center Records Search Results

As described in Chapter 4.4 Cultural Resources of this EIR, a records search of the project APE and the surrounding 1-mile radius around the project was conducted by Brian F. Smith and Associates, Inc. (BFSA) staff at the South Coastal Information Center (SCIC) at San Diego State University to identify previously discovered archaeological sites in the project area, and a Sacred Lands file (SLF) search was requested from the Native American Heritage Commission (NAHC) to list potentially sacred or ceremonial sites or landforms on or near the project site. In addition to a review of previously prepared site records and reports, the records search also involved review of historical maps of the project site and vicinity; ethnographies; the National Register of Historic Places (NRHP); the Office of Historical Preservation (OHP) Built Environmental Resources Directory (BERD); and land patent records, held by the Bureau of Land Management (BLM) and accessible through the BLM General Land Office website, were also reviewed for pertinent project information.

The records searches indicated that 101 previous studies have been performed in the 1-mile records search area and six of these reports included portions of the subject property. The reports identified during the SCIC record search for the project site are presented in Table 4.4-2 in Section 4.4 of this EIR. Refer to Appendix D of this EIR for the complete record search results.

SCIC records indicate that no previously recorded cultural resources are located within the project APE. However, the records indicate that 21 cultural resources have been recorded within the 1-mile search radius. Of the previously recorded resources, nine are prehistoric, eight are historic, and four are a multicomponent. The prehistoric sites include seven lithic and shell scatters, one bedrock milling feature site, and one shell isolate. The historic resources include Mission San Luis Rey de Francia, adobe ruins and adobe ruins with historic refuse or a cistern, a historic ranch complex, El Camino Real, a historic refuse scatter, and the San Luis Rey Wastewater Treatment Plant. The multicomponent sites include prehistoric occupation sites with historic refuse deposits and a historic ranch complex with a prehistoric shell and fire-affected rock scatter. The cultural resources identified during the SCIC records search for the current project are listed in Table 4.4-3 in Section 4.4 of this EIR.

Additionally, the SCIC Records indicate the presence of a total of six previously recorded historic addresses within 1-mile search radius. None of the previously recorded historic addresses are identified within the project APE or are located adjacent to the APE. Refer to Appendix D for the complete list of historic addresses.

Phase I and II Cultural Resources Surveys

As described in Chapter 4.4 Cultural Resources of this EIR, the Phase I and II Cultural Resources assessment was conducted by Brian F. Smith and Associates, Inc. (BFSA) as part of the environmental clearance required for the proposed project. The Phase I cultural resource survey of the project site consisted of institutional records searches, a pedestrian archaeological survey of

the project, and preparation of Cultural Resources Survey Report. Principal Investigator Brian F. Smith, M.A. from BFSA directed the cultural resources study for the project. The initial archaeological survey (Phase I survey) was conducted on September 14, 2020 by Senior Archaeologist Tracy A. Stropes, M.A., RPA with participation by Cami Mojado from the San Luis Rey Band of Mission Indians. During the pedestrian survey, it was noted that the topography of the project site was generally flat and previously graded. Including the previous grading of the property, disturbances include two man-made trenches and three dirt walking paths. The trenches, located at the north and south of the property, are a result of drainage pipelines between the nearby neighborhood and the San Luis Rey River channel. The southernmost trench runs east to west along the southern project boundary and the northernmost trench runs southeast and northwest across the northern third of the project. The three dirt walking paths are located along the southern project boundary and running northeast to southwest along the northern third of the property. Additionally, the majority of the property was covered in dense, low-lying grasses. In areas obscured by dense vegetation, ground visibility was considered poor, which in turn hindered the possibility of identifying cultural resources. Parallel survey transects spaced at approximately 10-meter intervals were utilized throughout the entire project and photographs were taken to document project conditions (photographs are included as part of Appendix E to this EIR). During the archaeological field survey, an unconsolidated scatter of prehistoric shell was identified in the northern portion of the project. The marine shell was observed within previously impacted soil brought up to the surface by the development of a drainage ditch that runs northwest to southeast across the northern portion of the parcel. The presence of the prehistoric material indicated a potential for subsurface deposits to also be present.

To investigate the potential for buried deposits across the project, BFSA archaeologists Clarence Hoff and James Shrieve conducted a testing and evaluation program and trench sampling program on October 14, 2020 with participation by Banning Taylor from the San Luis Rey Band of Mission Indians (Phase II survey). Thirteen (13) test trenches were mechanically excavated and screened to determine if cultural resources were present within the subsurface portion of the property. The testing program was conducted prior to grading in order to facilitate the identification of any significant subsurface archaeological deposits and, if significant deposits or features were identified, to outline measures needed to achieve the mitigation of impacts. Of the 13 trenches excavated as part of the testing program, six trenches (trenches 2, 5, 6, 8, 9, and 10) produced only recovered 20 fragments of marine shell (21.2 grams identified as *Argopecten* sp., *Chione* sp., *Ostrea* sp., and *Donax* sp.) and one piece of prehistoric ceramic (refer Table 4.4-1 in Section 4.4 of this EIR). The majority of the materials were recovered between zero and 60 centimeters in depth, which corresponds to the stratigraphic observations for the trenches across the property. It is clear that the majority of the artifacts identified were concentrated between 30- and 60-centimeter levels. No midden soils were encountered.

It was determined that the artifacts recovered from the project site constitute too small of a collection for broad research questions to be applied. Furthermore, the materials observed in the trenches are interpreted as potentially being a secondary deposition that resulted from historic flooding episodes along the San Luis Rey River. This limited deposition has also been heavily modified by the historic development of the property as early as 1953. Such disturbance has removed any *in situ* provenience information from the collection and, as such, these materials represent only minimum research value and are not considered to be indicative of a significant prehistoric deposit (Appendix E).

Native American Correspondence

As described in Chapter 4.4 Cultural Resources of this EIR, BFSA requested a search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) to list potentially sacred or ceremonial sites or landforms on or near the project. The SLF search returned positive results and the NAHC requested that the San Luis Rey Band of Mission Indians be contacted for more information. BFSA thereafter reached out to the San Luis Rey Band, and Cami Mojado, representing the San Luis Rey Band, participated in the archaeological survey of the Cypress Point Project on September 14, 2020 as described above (Phase I Survey). At that time, Ms. Mojado expressed concerns about the project due to its location along the southern bank of the San Luis Rey River, which is traditionally known to the Native peoples of the region as *Quechla*. Prehistorically, *Quechla*, which generally refers to the San Luis Rey River watershed and the people who lived there, was a valuable water source for the native inhabitants of the region and to this day, provides water to five southern Native American tribes that live on or near its banks, including the Rincon, La Jolla, Pauma, Pala, and San Pasqual bands. Due to the project's immediate proximity to *Quechla*, Ms. Mojado noted the potential for buried cultural deposits along the floodplain and expressed interest in a trenching program to examine areas in the project for any buried cultural resources that may be present. The trenching program was subsequently conducted on October 14, 2020 with participation by Banning Taylor from the San Luis Rey Band of Mission Indians (Phase II Survey) (Appendix E).

AB 52 Consultation

The City had requested a consultation list from the NAHC of tribes that are traditionally and culturally affiliated with the geographic area, to include in the AB 52 consultation process. Based on the information provided in the NAHC response letter dated May 19, 2021, outreach letters were mailed on May 20, 2021 to 25 applicable Native American group representatives to solicit additional information about known Native American resources. To date, four responses have been received from representatives of tribes. These responses are summarized below:

- Viejas Tribal Government (May 26, 2021) – Ray Teran, the Resource Management Director for the Viejas Band of Kumeyaay Indians, acknowledged review of the project and determined

that the project site has a cultural significance or ties to the Kumeyaay Nation, and recommended notifying the San Pasqual Band of Mission Indians. Per the recommendation, the City reached out to the San Pasqual Band of Mission Indians on May 20, 2021, and the San Pasqual Band of Mission Indians signed for the certified mail on May 24, 2021.

- Rincon Band of Luiseño Indians (June 16, 2021) – Cheryl Madrigal, the Cultural Resource Manager for the Rincon Band of Luiseño Indians, acknowledged notification of the project and requested consultation with the City to assess potential impacts to cultural resources, as the identified project site is located within the Traditional Use Area of the Luiseño people and within the Band's specific Area of Historic Interest. As part of this initial letter, copies of existing documents pertaining to the project including record search results, the geotechnical report, and grading plans were requested for review prior to consultation. The City provided the requested documents to Ms. Madrigal on June 17, 2021. Consultation was held between Ms. Madrigal and the City on June 30, 2021 via Zoom, and in a follow-up letter to the City from Ms. Madrigal on July 15, 2021, it was confirmed that the Rincon Band was in agreement with the proposed measures outlined in the provided documents which include archaeological and tribal monitoring, a monitoring report, and protocols for discovery of cultural material and human remains. Final requests from the Rincon Band are that the measures will accommodate for reburial on-site as preferred method for any cultural material discovered throughout the duration of the project, and that all excavated materials from the Phase I and II Cultural Resources Study be reburied on-site. To conclude this July 15, 2021 letter, Rincon Band confirmed no further comments or concerns, and that consultation is considered concluded at this time.

  In response to Rincon's final request of re-burial of excavated materials from the Phase I and II Cultural Resources Survey Report, Brian Smith & Associates, Inc. confirmed with the Rincon Band in a letter dated July 29, 2021, that the small quantity of artifacts recovered during the testing process will be combined with any cultural materials recovery during the monitoring of grading and will be reburied on the property in a location that will either be in a park or in an open space area. The final location for repatriation and reburial of any cultural materials from the property will be determined with the Native American representatives present at the time of the grading of the property.

  In a follow-up response to Rincon's final request, a letter prepared by Brian Smith & Associates, Inc. on August 30, 2021 stated that the small frequency of materials collected as a result of the testing program are currently stored at the offices of Brian F. Smith and Associates, Inc., and given the small quantity of artifacts dispersed across the project and the information generated by the testing program, the evaluation was reached that the project does not appear to contain any potentially significant cultural features or deposits. However, due to the presence of a limited shell scatter, the potential exists to discover additional prehistoric deposits on the property and as a result, monitoring during ground-disturbing activities by a qualified

archaeologist and Native American representative has been recommended to ensure that if buried features (i.e., human remains, hearths, or cultural deposits) are present, they will be handled in a timely and proper manner. As a result, it is standard archaeological protocol to repatriate all materials at the conclusion of the monitoring program to ensure that any additional materials recovered may be combined with the test materials for a single repatriation. As confirmed in the previous response on July 29, 2021, the final location of the repatriation will be determined in consultation with the Native American representatives present at the time of the grading of the property, the project proponent and consulting archaeologist and will include a location that will either be in a park or in an open space area.

- San Luis Rey Band of Mission Indians (June 17, 2021) – Cami Mojado, the Cultural Resources Manager for the San Luis Rey Band of Mission Indians, acknowledged notification of the project and requested tribal consultation, and review of any cultural resources assessments that have been completed for the project. The City reached out twice via email to Cami Mojado of the San Luis Rey Band of Mission Indians initiating consultation, prior to scheduling a consultation meeting. Consultation was held between Cami Mojado and the City on August 12, 2021 via Skype, and consultation is considered ongoing.
- Jamul Indian Village of California (July 22, 2021) – Lisa Cumper, Cultural Resources Manager for the Jamul Indian Village of California, acknowledged notification of the project and confirmed that the project is not within the boundaries of the recognized Jamul Indian Reservation. The letter recommends that a Kumeyaay Native American Monitor be present for any ground disturbance, but that the tribe has no objection to the continuation of the project activities as currently planned, and defer to the San Pasqual Band of Mission Indians.

Under CEQA, the lead agency is required to perform formal government-to-government consultation with Native American tribes under Assembly Bill 52 (AB 52). AB 52 is applicable to projects that have a notice of preparation or a notice of negative declaration on or after July 1, 2015. As outlined above, notification to tribes was completed for AB 52 and two responses have been received regarding tribal consultation. Consultation with the Rincon Band has been deemed complete as of July 15, 2021.

4.16.2 Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) (16 USC 470 et seq.) establishes the federal policy for preservation of historical resources, including archaeological sites, and sets in place a program for the preservation of historic properties by requiring federal agencies to consider effects to significant cultural resources (e.g., historic properties) prior to undertakings.

Section 106 of the NHPA requires federal agencies to take into account the effects of projects on historic properties (resources included in or eligible for the NRHP). It also gives the Advisory Council on Historic Preservation and the state historic preservation offices an opportunity to consult.

Executive Order 11593, Protection and Enhancement of the Cultural Environment

Executive Order 11593 (36 Federal Register 8921) (1) orders the protection and enhancement of the cultural environment through requiring federal agencies to administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; (2) initiates measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural, or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the people; and (3) in consultation with the Advisory Council on Historic Preservation, institutes procedures to assure that federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural, or archaeological significance (16 USC 470-1).

National Register of Historic Places

The NRHP is the nation's official list of historic places. The register is overseen by the National Park Service and requires that a property or resource eligible for listing in the register meet one or more of the following four criteria at the national, state, or local level to ensure integrity and obtain official designation:

- The property is associated with events that have made a significant contribution to the broad patterns of our history.
- The property is associated with the lives of persons significant to our past. Eligible properties based on this criterion are generally those associated with the productive life of the individual in the field in which the person achieved significance.
- The property embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components lack individual distinction.
- The property has yielded, or is likely to yield, information important to prehistory or history.

In addition to meeting at least one of these four criteria, listed properties must also retain sufficient physical integrity of those features necessary to convey historic significance. The register has identified the following seven aspects of integrity: (1) location, (2) design, (3) setting, (4) materials, (5) workmanship, (6) feeling, and (7) association.

Properties are nominated to the register by the state historic preservation officer of the state in which the property is located, by the federal preservation officer for properties under federal

ownership or control, or by the tribal preservation officer if on tribal lands. Listing in the NRHP provides formal recognition of a property's historic, architectural, or archaeological significance based on national standards used by every state. Once a property is listed in the NRHP, it becomes searchable in the NRHP database of research information. Documentation of a property's historic significance helps encourage preservation of the resource.

State

California Register of Historical Resources and the California Environmental Quality Act

CEQA requires that all private and public activities not specifically exempted be evaluated against the potential for environmental damage, including effects to historical resources. Historical resources are recognized as part of the environment under CEQA. The act defines historical resources as "any object, building, structure, site, area, or place that is historically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (California Public Resources Code, Section 5020.1[j]).

Lead agencies have a responsibility to evaluate historical resources against the California Register of Historical Resources (CRHR) criteria prior to making a finding as to a proposed project's impacts to historical resources. Mitigation of adverse impacts is required if the proposed project will cause substantial adverse change. Substantial adverse change includes demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired. While demolition and destruction are fairly obvious significant impacts, it is more difficult to assess when change, alteration, or relocation crosses the threshold of substantial adverse change. The CEQA Guidelines provide that a project that demolishes or alters those physical characteristics of a historical resource that convey its historical significance (i.e., its character-defining features) is considered to materially impair the resource's significance. The CRHR is used in the consideration of historical resources relative to significance for purposes of CEQA. The CRHR includes resources listed in or formally determined eligible for listing in the National Register of Historic Places (NRHP) and some California State Landmarks and Points of Historical Interest. Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR, and are presumed to be significant resources for purposes of CEQA unless a preponderance of evidence indicates otherwise.

Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (California Public Resources Code, Section 5024.1; 14 CCR 4852), which include the following:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or

- It is associated with the lives of persons important to local, California, or national history; or
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Senate Bill 18

The Traditional Tribal Cultural Places Bill of 2004 (SB 18) requires local governments to consult with Native American tribes during the project planning process. The intent of this legislation is to encourage consultation and assist in the preservation of "Native American places of prehistoric, archaeological, cultural, spiritual, and ceremonial importance" (County of San Diego 2007). The purpose of this consultation is to protect the identity of the cultural place and to develop appropriate and dignified treatment of the cultural resource. The consultation is required whenever a General Plan, General Plan Amendment, Specific Plan, Specific Plan Amendment, or Open Space Element is proposed for adoption. As part of the planning process, California Native American tribes must be given the opportunity to consult with the lead agency for the purpose of preserving, mitigating impacts to, and identifying cultural places.

Assembly Bill 52

AB 52, which took effect July 1, 2015, establishes a consultation process between California Native American tribes and lead agencies in order to address tribal concerns regarding project impacts and mitigation to tribal cultural resources (TCRs). Public Resources Code, Section 21074(a) defines TCRs and states that a project that has the potential to cause a substantial adverse change to a TCR is a project that may have an adverse effect on the environment. A TCR is defined as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is either (1) listed or eligible for listing in the CRHR or a local register of historical resources, or (2) determined by a lead agency to be a TCR.

Native American Historic Resource Protection Act

State law addresses the disposition of Native American burials in archaeological sites, and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act (PRC Section 5097 et seq.) makes it a misdemeanor punishable by up to one year in jail to deface or destroy a Native American historic or cultural site that is listed or may be eligible for listing in the California Register of Historical Resources.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (California Repatriation Act) (25 U.S.C., Chapter 32), enacted in 2001, requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate tribes.

California Health and Safety Code Section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the County Coroner has examined the remains (Section 7050.5b). If the coroner determines or has reason to believe that the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (Section 7050.5c). The NAHC will notify the most likely descendant, and with the permission of the landowner, the most likely descendant may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the most likely descendant by the NAHC. The most likely descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

Local

City of Oceanside General Plan

Cultural resources are addressed in the Environmental Resources Management Element and the Land Use Element. The Environmental Resources Management Element identifies several important cultural sites, including the nearby Mission San Luis Rey, and encourages preservation of such sites when planning development. Specifically, the Environmental Resource Management Element has the following objective for cultural sites:

- Encourage the conservation and protection of significant cultural resources for future scientific, historic, and educational purposes.

In order to achieve this objective, the City of Oceanside (City) will:

1. Encourage the use of "O" zoning and open space easements for the preservation of cultural sites.

2. Encourage private organizations to acquire, restore, and maintain significant historical sites.
3. Encourage investigation by the appropriate groups (i.e., museums, university students, etc.) to explore and record the significant archaeological sites in the areas and to forward this information to appropriate County agencies for inclusion in the San Diego County Natural Resources Inventory.

The Land Use Element provides designations for historic areas in order to preserve cultural resources. The Land Use Element states the following policy relevant to historic sites:

- **1.33 Historic Areas and Sites, Policy A:** The City shall utilize adopted criteria, such as the "Mission San Luis Rey Historic Area Development Program and Design Guidelines," to preserve and further enhance designated historic or cultural resources.

The Land Use Element further contains the following policies regarding cultural resources:

- **3.2A:** The City shall encourage open space land use designations and open space land use designations and open space zoning or open space easements for the preservation of cultural resources.
- **3.2B:** The City shall encourage the acquisition, restoration, and/or maintenance of significant cultural resources by private organizations.
- **3.2C:** Cultural resources that must remain in-situ to preserve their significance shall be preserved intact and interpretive signage and protection shall be provided by project developers.
- **3.2D:** An archaeological survey report shall be prepared by a Society of Professional Archaeologists certified archaeologist for a project proposed for grading or development if any of the following conditions are met:
    1. The site is completely or largely in a natural state;
    2. There are recorded sites on nearby properties;
    3. The project site is near or overlooks a water body (creek, stream, lake, freshwater lagoon);
    4. The project site includes large boulders and/or oak trees; or
    5. The project site is located within a half-mile of Mission San Luis Rey.

City of Oceanside Historic Preservation Ordinance

Chapter 14A of the City's Municipal Code, referred to as the Historic Preservation Ordinance, identifies evaluation criteria under which a historical site or area may be designated in Section 14A.6, as follows (City of Oceanside 2018):

a) It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural history; or

b) It is identified with persons or events significant in local, state, or national history; or

c) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

d) It is representative of the notable work of a builder, designer, or architect; or

e) It is found by the council to have significant characteristics which should come under the protection of this chapter.

4.16.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to traffic and circulation are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to traffic and circulation would occur if the proposed project would:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
    a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
    b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.16.4 Impacts Analysis

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

As described in Section 4.16.1 above, the SCIC Records indicate the presence of a total of six previously recorded historic addresses within 1-mile search radius of the project site. None of the previously recorded historic addresses are identified within the project APE or are located adjacent to the APE. A complete list of historic addresses identified in the records search is provided in Appendix D to this EIR. As there are no historic-era structures eligible for listing under NRHP/CRHR or locally within the project APE, project impacts related to historic resources are determined to be **less than significant**.

A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

As described in Section 4.16.1 above, consultation and coordination has been initiated with tribes affiliated with the project area, to identify any potential tribal cultural resources located on the site or in the project vicinity. No known significant tribal cultural resources in the project APE have been identified through AB 52 consultation with tribal representatives, or record searches.

As described above and as analyzed in Chapter 4.4 of this EIR, the Phase I and II cultural resources study for the Cypress Point Project was conducted in conformance with Section 21083.2 of the California Public Resources Code and CEQA. The survey and archaeological testing program for the Cypress Point Project resulted in the identification of a diffuse and disturbed prehistoric shell scatter. All of the materials are likely related to the general prehistoric occupation of the San Luis Rey River region known to the San Luis Rey Band of Mission Indians as Quechla. Given the small quantity of artifacts dispersed across the project and the information generated by the testing program, the evaluation was reached that the project does not appear to contain any potentially significant cultural features or deposits. Based upon the documentation of only a sparse prehistoric shell deposit across the property, the proposed development would not result in adverse impacts to significant cultural resources, as defined in the California Code of Regulations, Section 15064.5 (Appendix E).

Although no known significant tribal cultural resources have been identified on the project site or within the project APE, this does not preclude finding unknown tribal cultural resources or human remains during project excavation and grading activities. Disturbance of any unknown tribal cultural resources or human remains would be a potentially significant impact. However, implementation of mitigation measures **MM-CUL-1** through **MM-CUL-9** previously identified in Chapter 4.4, Cultural Resources, of this EIR, would ensure potential impacts to tribal cultural resources, including human remains would be reduced to a level of **less than significant**.

4.16.5 Mitigation Measures

Impacts related to Tribal Cultural Resources are determined to be less than significant with implementation of mitigation measures **MM-CUL-1** through **MM-CUL-9** identified in Chapter 4.4, Cultural Resources, of this EIR. No other mitigation is required.

4.16.6 Level of Significance After Mitigation

Although no known significant tribal cultural resources have been identified on the project site or within the project APE, implementation of mitigation measures **MM-CUL-1** through **MM-CUL-9** previously identified in Chapter 4.4, Cultural Resources, of this EIR, would ensure potential impacts to tribal cultural resources, including human remains would remain at a level of **less than significant**.

4.17 UTILITIES AND SERVICE SYSTEMS

This section describes the existing utilities and service system conditions of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Cypress Point project (proposed project) in the City of Oceanside (City). This section analyzes the proposed project's potential impacts on public utilities, including wastewater, water, storm drains, and solid waste disposal.

The analysis herein is based on the following technical reports prepared for the proposed project:

- Drainage Study for the Cypress Point Subdivision Project, prepared by Omega Engineering Consultants on March 19, 2021 (Appendix H to this EIR)
- Private Sewer System Analysis for the Cypress Point Project in the City of Oceanside, prepared by Dexter Wilson Engineering, Inc. on March 19, 2021 (Appendix K to this EIR)
- Water Systems Analysis for the Cypress Point Project in the City of Oceanside, prepared by Dexter Wilson Engineering, Inc. on March 19, 2021 (Appendix L to this EIR)
- Storm Water Quality Management Plan for the Cypress Point Subdivision, prepared by Omega Engineering Consultants on March 22, 2021 (Appendix M to this EIR)
- Sewer Hydraulic Impact Study for Cypress Point Subdivision, prepared by Infrastructure Engineering Corporation on May 11, 2021 (Appendix O to this EIR).

4.17.1 Existing Conditions

Domestic Water Supply

The City's Water Utilities Department Water Division provides potable water services to the City through operating and maintaining water treatment, distribution, and metering facilities. The Water Division purchases approximately 85% of the City's water supply from the San Diego County Water Authority (SDCWA) and treats it at the Robert A. Weese Filtration Plant (Weese Plant) which is in the process of being upgraded from a capacity of 25 mgd to 37.5 mgd. Mission Basin provides for the remaining water supply through extraction and treatment at the Mission Basin Groundwater Purification Facility (Mission Basin Plant) with a capacity of 6.4 mgd (City of Oceanside 2021a).

The project site is located in an area of the City of Oceanside that is well developed and adjacent to residential to the south and east. The project site is situated in the central northern portion of the City in an area served by the Talone 320 Pressure Zone. The nearest existing 320 Pressure Zone public water lines in the vicinity of the project are a 12-inch water line in Pala Road southeast of the project site and an 8-inch water line in Los Arbolitos Boulevard to the east. The existing water system within the vicinity of the project is shown on Figure 2 in Appendix L of this EIR.

The water supply to this area comes mainly from three reservoirs and several pressure reducing valves (PRV) in the Talone 320 Pressure Zone. The three reservoirs are the 5 million gallon Wire Mountain Reservoir, the 3 million gallon Fire Mountain Reservoir, and the 3 million gallon John Paul Steiger Reservoir. These reservoirs provide gravity service to the Talone 320 Pressure Zone (Appendix L).

Wastewater Treatment

In the City of Oceanside, wastewater is collected and treated by the City's Water Utilities Department, Wastewater Division. The Wastewater Division provides wastewater collection, treatment, and disposal services of sewage for the City in accordance with applicable laws and standards. Staff is responsible for operating and maintaining over 450 miles of pipelines and 34 lift stations, as well as the San Luis Rey Wastewater Treatment Plant and the La Salina Wastewater Treatment Plant. The division owns and operates the San Luis Rey Water Reclamation Facility, which is currently being expanded (secondary treatment capacity expanding from 13.5 million gallons per day (mgd) in 2020 to 17.4 mgd in 2045), and the La Salina Wastewater Treatment Plant (secondary treatment is 5.5 mgd) (City of Oceanside 2021a). The proposed project lies in the services area of the San Luis Rey Water Reclamation Facility which also provides service for Rainbow Metropolitan Water District and a portion of the City of Vista (City of Oceanside 2021a). The San Luis Rey Water Reclamation Facility has a current treatment capacity of 3.0 mgd.

The proposed project is located in the San Luis Rey Valley Sewer Sub-Basin Service Area. The San Luis Rey Valley Sewer Sub-Basin extends from just east of College Boulevard, west toward the Mission Avenue Lift Station. The north edge of the San Luis Rey Valley Sewer Sub-Basin is the San Luis Rey River, and the basin extends south to Mesa Drive. The Sub-Basin has two main trunk sewers that drain to the Mission Avenue Lift Station. This lift station pumps the sewage to the San Luis Rey Wastewater Treatment Plant for treatment and disposal.

The existing public sewer system in the project area consists of 8-inch diameter sewer lines in Pala Road and Los Arbolitos Road. The sewer in Pala Road joins the Los Arbolitos sewer at the intersection of the streets, and then the flow continues south in Los Arbolitos Boulevard in a 12-inch sewer that flows south to Mission Avenue and then to the Mission Avenue Lift Station. Several force mains and outfalls also run through the project and adjacent to the project site. On the west side of the project site, there is a 24-inch San Luis Rey Land Outfall and the 24-inch Mission Avenue Lift Station Force Main, along with another 24-inch force main and a 10-inch force main within existing public easements. On the eastern boundary of the project site there is a 42-inch force main that contains Buena Vista Lift Station flows and a corridor reserved for future sewer mains (Appendix K).

Storm Drain Facilities

In the San Diego County, storm water discharges from any development to municipal storm drain systems are regulated by the San Diego Regional Water Quality Control Board (RWQCB). The City of Oceanside is responsible for local administration of storm water management requirements and has developed a Best Management Plan (BMP Design Manual) as a resource document, which is designed to facilitate the implementation of the requirements of the RWQCB Municipal Separate Storm Sewer System (MS4) Permit (City of Oceanside 2021c).

No permanent stormwater conveyances currently exist on the vacant project site. The existing on-site drainage is natural, as it occurs via overland flow and concentrated flow in earthen ditches. A graded ditch accepts runoff from the dead end of Aspen Street and conveys it west across the site to a concrete channel that borders the site. Runoff from the residential area to the west flows onto the site at the dead-end of Aspen Street. It then flows across the site in a graded channel and enters a concrete drainage channel that runs along the east side of the site, discharging to a vegetated area adjacent to the San Luis Rey River. Runoff from Pala road enters the site immediately south of the intersection of Los Arbolitos Boulevard and Pala Road. This runoff flows east across the undeveloped right-of-way and discharges to the same vegetated area as the on-site flows (Appendix H). The runoff then confluences with San Luis Rey River (Lower) approximately 1600 feet south of the site (Appendix M).

Solid Waste and Recycling

Waste Management and Agri Service Inc. provide solid waste and recycling services to the City of Oceanside. Waste Management disposes of solid waste collected in the City of Oceanside at the El Sobrante Landfill located at 10910 Dawson Canyon Road, Corona, California 92883 (City of Oceanside 2012). The El Sobrante Landfill has a maximum permitted throughput of 16,054 tons per day with estimated remaining capacity of 143,977,170 tons and projected closure date of January 1, 2051 (CalRecycle 2019). The City adopted and enacted the Zero Waste Strategic Resource Management Plan, which established methods to reach the goal of diverting 75% of solid waste by 2020, working in conjunction with the goals of City Council's adoption of Resolution No. 10-R0636-1, the State of California Assembly Bill 341 (AB 341) (City of Oceanside 2012).

4.17.2 Regulatory Setting

Federal

National Pollutant Discharge Elimination System Permit Program

The National Pollution Discharge Elimination System (NPDES) permit program was established in the Clean Water Act (CWA) to regulate municipal and industrial discharges to surface waters of the

United States. Discharge from any point source is unlawful unless the discharge is in compliance with an NPDES permit. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (Code of Federal Regulations, Title 40, Section 268, Subpart D), contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs that include federal landfill criteria. The federal regulations address the location, operation, design, and closure of landfills, as well as groundwater monitoring requirements.

State

California Code of Regulations, Titles 14 and 27

Title 14 (Natural Resources, Division 7) and Title 27 (Environmental Protection, Division 2 [Solid Waste]) of the California Code of Regulations govern the handling and disposal of solid waste and operation of landfills, transfer stations, and recycling facilities.

Assembly Bills 939 and 341: Solid Waste Reduction

The California Integrated Waste Management (CIWM) Act of 1989 (AB 939) was enacted as a result of a national crisis in landfill capacity, as well as a broad acceptance of a desired approach to solid waste management of reducing, reusing, and recycling. AB 939 mandated local jurisdictions to meet waste diversion goals of 25% by 1995 and 50% by 2020 and established an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance. AB 939 requires cities and counties to prepare, adopt, and submit to the California Department of Resources Recycling and Recovery (CalRecycle) a source reduction and recycling element to demonstrate how the jurisdiction will meet the diversion goals. Other elements included encouraging resource conservation and considering the effects of waste management operations. The diversion goals and program requirements are implemented through a disposal-based reporting system by local jurisdictions under CIWM board (CIWMB) regulatory oversight. Since the adoption of AB 939, landfill capacity is no longer considered a statewide crisis. AB 939 has achieved substantial progress in waste diversion, program implementation, solid waste planning, and protection of public health, safety, and the environment from landfills operations and solid waste facilities.

In 2011, AB 341 was passed, making a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020.

AB 341 requires that local agencies adopt strategies that will enable 75% diversion of all solid waste by 2020. This bill requires all commercial businesses and public entities that generate 4 cubic yards or more of waste per week to have a recycling program in place. In addition, multifamily apartments with five or more units are also required to form a recycling program.

Senate Bill 1374: Construction and Demolition Waste Reduction

Senate Bill (SB) 1374 requires that annual reports submitted by local jurisdictions to CIWMB include a summary of the progress made in the diversion of construction and demolition waste materials. In addition, SB 1374 requires the CIWMB to adopt a model ordinance suitable for adoption by any local agency that required 50% to 75% diversion of construction and demolition waste materials from landfills. Local jurisdictions are not required to adopt their own construction and demolition ordinances, nor are they required to adopt CIWMB's model by default.

Assembly Bill 1327: California Solid Waste Reuse and Recycling Access Act of 1991

AB 1327, which was established in 1991, required CalRecycle to develop a model ordinance for the use of recyclable materials in development projects. Local agencies were then required to adopt the model ordinance, or an ordinance of their own, governing adequate areas for collection and loading of recyclable materials in development projects.

Assembly Bill 1826: Mandatory Commercial Organics Recycling

In October 2014, Governor Brown signed AB 1826 Chesbro (Chapter 727, Statutes of 2014) requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste generated per week (organic waste is defined as food waste, green waste, landscape, and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.) This law also requires local jurisdictions across the state to implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. This law phases in the mandatory recycling of commercial organics over time. In particular, the minimum threshold of organic waste generation by businesses decreases over time, which means an increasingly greater proportion of the commercial sector will be required to recycle organic waste.

Sustainable Groundwater Management Act (SGMA)

On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package—AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley)—collectively known as SGMA. This act requires governments and water agencies of high- and medium-priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. For critically over-drafted basins, sustainability should be achieved by 2040. For the remaining high- and medium-

priority basins, 2042 is the deadline. Through SGMA, the CDWR provides ongoing support to local agencies through guidance, financial assistance, and technical assistance. SGMA empowers local agencies to form Groundwater Sustainability Agencies (GSAs) to manage basins sustainably, and requires those GSAs to adopt GSP for crucial groundwater basins in California.

Urban Water Management Plans (UWMP)

Pursuant to the California Urban Water Management Act (California Water Code Sections 10610-10656), urban water purveyors are required to prepare and update a UWMP every 5 years. UWMPs are prepared by California's urban water suppliers to support long-term resource planning and ensure adequate water supplies. Every urban water supplier that either delivers more than 3,000 AFY of water annually or serves more than 3,000 connections are required to assess the reliability of its water sources over a 20-year period under normal-year, dry-year, and multiple-dry-year scenarios in a UWMP. UWMPs must be updated and submitted to the CDWR every five years for review and approval. The project site is within the area addressed by the City of Oceanside UWMP.

Sanitary Sewer General Waste Discharge Requirements

On May 2, 2006, the State Water Resources Control Board (SWRCB) adopted a General Waste Discharge Requirement (Order No. 2006-0003) for all publicly owned sanitary sewer collection systems in California with more than 1.0 mile of sewer pipe. The order provides a consistent statewide approach to reducing sanitary sewer overflows by requiring public sewer system operators to take all feasible steps to control the volume of waste discharges into the system in order to prevent sanitary sewer waste from entering the storm sewer system, and to develop a Sewer System Management Plan. The General Waste Discharge Requirement also requires that storm sewer overflows be reported to the SWRCB using an online reporting system.

California Code of Regulations Title 24, Part 11

In 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code, Part 11 of Title 24, is commonly referred to as CALGreen and establishes minimum mandatory standards as well as voluntary standards pertaining to the planning and design of sustainable site development, energy efficiency, water conservation, material conservation, and interior air quality. The CALGreen standards took effect in January 2011 and instituted mandatory minimum environmental performance standards for all new construction of residential and non-residential buildings. CALGreen standards are updated periodically. The latest version (CALGreen 2019) became effective on January 1, 2020. The Mandatory CALGreen standards pertaining to utilities and service systems include the following (24 CCR Part 11):

- Mandatory reduction in indoor water use through compliance with specified flow rates for plumbing fixtures and fittings.

- Mandatory reduction in outdoor water use through compliance with a local water-efficient landscaping ordinance or the California Department of Water Resources' Model Water Efficient Landscape Ordinance.
- Diversion of 65% of construction and demolition waste from landfills.
- Mandatory inspections of energy systems to ensure optimal working efficiency
- Inclusion of electric vehicle charging stations or designated spaces capable of supporting future charging stations

The CALGreen standards also include voluntary efficiency measures that are provided at two separate tiers and implemented at the discretion of local agencies and applicants. CALGreen's Tier 1 standards call for a 15% improvement in energy requirements; stricter water conservation, 65% diversion of construction and demolition waste, 10% recycled content in building materials, 20% permeable paving, 20% cement reduction, and cool/solar-reflective roofs. CALGreen's more rigorous Tier 2 standards call for a 30% improvement in energy requirements, stricter water conservation, 75% diversion of construction and demolition waste, 15% recycled content in building materials, 30% permeable paving, 25% cement reduction, and cool/solar-reflective roofs.

Local

City of Oceanside General Plan

The relevant elements of the Oceanside General Plan to utilities and service systems are the Environmental Resource Management Element and the Hazardous Waste Management Element. All other specific plans and programs adopted by the City of Oceanside are consistent with the General Plan and its elements.

Environmental Resource Management Element

The Environmental Resource Management Element focuses on conserving and preserving natural resources and open space within the City of Oceanside. These resources include water, soil, coastal, minerals, habitats, air, agriculture, culture, and recreation space. This element is consistent with the General Plan and all other elements.

Hazardous Waste Management Element

The Hazardous Waste Management Element provides overall policy guidance for safe and effective managing of hazardous waste within the City of Oceanside. Items within this element's scope include hazardous waste facilities, pollution prevention, and waste reduction and elimination. This element is consistent with the General Plan and all other elements.

Urban Water Management Plan

As required by California Water Code Section 10617, the City of Oceanside is required to complete an urban water management plan (UWMP) every 5 years as an "Urban Water Supplier" (City of Oceanside 2016a). The City of Oceanside adopted the 2015 UWMP in June 2016, and just recently adopted the 2020 Urban Water Management Plan in July 2021. The UWMP describes current water system services, facilities, supplies, and demands and provides planning guidelines for future projections for water use (City of Oceanside 2021a).

Water Conservation Master Plan

The Water Conservation Master Plan makes recommendations for specific water conservation measures to help the City achieve conservation goals set by the Water Conservation Act of 2009 and a reduction of 34 gallons per capita per day by 2020 (City of Oceanside 2016b). The Water Conservation Master Plan is consistent with the UWMP.

Zero Waste Strategic Resource Management Plan

In response to the adoption of Resolution No. 10-R0636-1 (City of Oceanside 2010) by the City of Oceanside City Council on August 25, 2010, to divert 75% of waste by 2020 (also aligned with AB 341), the City developed the Zero Waste Strategic Resource Management Plan (Zero Waste Plan). The Zero Waste Plan identifies and recommends strategies for the City to achieve this goal. At the time of the drafting of the Zero Waste Plan, the City of Oceanside had already reached 67% waste diversion, as previously described under the solid waste and recycling subsection (City of Oceanside 2012). The private companies contracted to provide solid waste and recycling services, Waste Management and Agri Service Inc., are also working in support of the City of Oceanside to achieve this goal.

City of Oceanside Municipal Code

The City of Oceanside Municipal Code provides various chapters that define requirements for public facilities impact fees as a condition of approval of building permits for development projects. Specifically, Chapter 32C, Section 32C.3, states that "prior to the issuance of a building permit for new construction, including residential and nonresidential development, on any property within the citywide area of benefit established pursuant to this chapter, the applicant for such permit shall pay or cause to be paid any fees established and apportioned pursuant to this chapter for the purpose of defraying the actual or estimated cost of constructing the city's public facilities" (City of Oceanside 2021b). Public facilities, as defined by the City of Oceanside Municipal Code, are all governmental facilities within the City's General Plan, including water, sewer, and stormwater systems.

4.17.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to utilities and service systems are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to utilities and service systems would occur if the proposed project would:

1. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
2. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
3. 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.
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

4.17.4 Impacts Analysis

Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water

As described in Section 4.17.1 above, the City's Water Utilities Department Water Division provides potable water services to the City through operating and maintaining water treatment, distribution, and metering facilities. The Water Division purchases approximately 85% of the City's water supply from the San Diego County Water Authority (SDCWA) and treats it at the Weese Plant which has a current capacity of 25 million gallons per day (mgd). Mission Basin provides for the remaining water supply through extraction and treatment at the Mission Basin Plant with a capacity of 6.4 mgd (City of Oceanside 2021a).

Water system planning and design criteria for the project are based on Section 2 of the City's Design and Construction Manual, revised August 1, 2017, as well as City design requirements established for the project. The average day demand for the project is estimated to be

approximately 2,400 gallons per day per acre (gpd/ac) based on the land use category of "Single Family Residential (4-8 dwelling units per acre)". The maximum day and peak hourly demand factors are 2.0 and 3.0, respectively. During maximum demands, residual pressures must be greater than 45 psi and during peak hour demand residual pressure must be greater than 35 psi. Additionally, the fire flow requirement for the project is anticipated to be 1,500 gpm for the single-family residential land use. During fire flow demands, residual pressure must be greater than 20 psi in the water system. Based on this water demand criteria from the City's Design and Construction Manual, the estimated water demand for the project is outlined in Table 4.17-1 below.

Table 4.17-1
Project Estimated Average Water Demand

Land Use Category	Average Demand Factor[1]	Acreage	Average Water Demand, gpd
Single Family Res. (4-8 DU/ac)	2,400 gpd/ac	7.38	17,712
Average Day Demand	17,712 gpd (12.3 gpm)		
Maximum Day Demand	35,424 gpd (24.6 gpm)		
Peak Hour Demand	53,136 gpd (36.9 gpm)		

Source: Appendix L

As shown in Table 4.17-1, average day water demand for the proposed project would be approximately 17,712 gpd, maximum day water demand would be approximately 35,424 gpd, and peak hour water demand would be approximately 53,136 gpd.

The nearest public water lines are a 12-inch water line in Pala Road southeast of the project site and an 8-inch water line in Los Arbolitos Boulevard to the east. The water supply comes from the five-million-gallon Wire Mountain Reservoir, the three-million-gallon Fire Mountain Reservoir, and the three-million-gallon John Paul Steiger Reservoir. These reservoirs provide gravity service to the Talone 320 Pressure Zone.

Water service to the project site would be from the City's Talone 320 Pressure Zone. Pad elevations for the project site range between 51 feet and 57 feet, which would result in a maximum static water pressure range of 114 psi to 117 psi within the project boundary. The proposed water system for the project will make two connections to the existing public water system, including one connection to the existing 12-inch public water main in Pala Road and a second connection will be made to the existing 8-inch public water main in the Los Arbolitos Boulevard. Off-site the project would extent the 12-inch public water main in Pala Road to the project site. All on-site water mains would be 8-inches in diameter and would provide looping between the two existing system connections (please refer to Figure 3 of Appendix L).

[1] City of Oceanside Design and Construction Manual, revised August 1, 2017.

Per the City of Oceanside Design and Construction Manual, the minimum lateral size for new homes is 1-inch. The maximum capacity of a 1-inch service lateral per the 2019 California Plumbing Code (CPC) is 39 fixture units. Each home within the project would have an estimated fixture unit count of 27 FUs per the CPC, so a 1-inch lateral is sufficient for each proposed home (Appendix L). A fixture unit count of 27 translates to a demand of 19 gallons per minute (gpm) for each home proposed. Per the American Water Works Association C700-20, a ¾-inch meter has a maximum capacity of 30 gpm, therefore, each home is proposed to have a ¾-inch meter installed. Calculations supporting the service lateral and meter sizing is provided in Appendix L.

Through computer modeling, the Water Systems Analysis prepared for the proposed project determined that with the proposed water distribution system, the estimated water demand from the project, and the required minimum residual pressure (psi), would both be adequately met, and existing public water system infrastructure would adequately serve the project site. Additionally, the proposed public water system would be designed and constructed in accordance with the guidelines, standards, and approved materials of the City of Oceanside. No relocation or construction of new or expanded water facilities would be required to provide adequate service to the project, and therefore, impacts related to water demand and service would be **less than significant**.

Wastewater Treatment

As described under Section 4.17.1 above, wastewater is collected and treated by the City's Water Utilities Department, Wastewater Division. The division owns and operates the San Luis Rey Water Reclamation Facility, which is currently being expanded (secondary treatment capacity expanding from 13.5 million gallons per day (mgd) in 2020 to 17.4 mgd in 2045), and the La Salina Wastewater Treatment Plant (secondary treatment is 5.5 mgd) (City of Oceanside 2021a). The proposed project lies in the services area of the San Luis Rey Water Reclamation Facility which also provides service for Rainbow Metropolitan Water District and a portion of the City of Vista (City of Oceanside 2021a). The San Luis Rey Water Reclamation Facility has a current treatment capacity of 3.0 mgd.

Section 3 of the City's Design and Construction Manual (revised August 1, 2017) was used to calculate sewer generation rates and peaking factor for the project. For residential developments with a population of less than 500 (151 residents are estimated for the project), the City's Design and Construction Manual requires a peaking factor of 3.5 to convert average dry weather flow to peak wet weather flow. Based on the sewage generation factor of 170 gpd/du for low density residential, the estimated average sewer generation for the project would be 32,130 gpd (22 gpm), as shown in Table 4.17-2.

Table 4.17-2
Project Estimated Average Sewer Flow

Land Use Category	Land Use Description	Sewer Generation Factor	Units	Average Sewer Flow, gpd
Residential	Low Density	170 gpd/EDU	54	9,180
Total	**9,180 (6 gpm)**			

The proposed project would receive sewer service from the City. The existing public sewer system consists of 8-inch diameter sewer lines in Pala Road and Los Arbolitos Road. The sewer in Pala Road joins the Los Arbolitos sewer at the intersection of the streets, and then the flow continues south in Los Arbolitos Boulevard in a 12-inch sewer that flows south to Mission Avenue and then to the Mission Avenue Lift Station (see Figure 2 in Appendix K). The project proposes a new 8-inch sewer line on site and a new 8-inch sewer line in Pala Road that would connect to the existing line in Los Arbolitos Boulevard. All on-site sewer facilities for the project are proposed to be private, and each home within the project site would have its own sewer lateral (refer to Figure 3 of Appendix K). The minimum sewer lateral size per the City's Design and Construction Manual is 4-inches. The maximum capacity of a 4-inch service lateral at a 2% slope per the 2019 CPC is 216 drainage fixture units (DFUs). Each home within the project site has an estimated drainage fixture unit count of 24 DFUs per the CPC, so a 4-inch lateral is sufficient for each home within the project site.

As described in Section 4.17.1 above, on the eastern boundary of the project site there is a 42-inch force main that contains Buena Vista Lift Station flows, and an existing 20-foot sewer easement with a proposed corridor for an additional 10-foot public easement for future utility lines. The City has plans for future public sewer utilities to be installed along this 42-inch force main, potentially including two (2) 36-inch pipes and one (1) 24-inch pipe as shown on Figure 3 of Appendix K. Implementation of these City proposed future public sewer lines are separate of the proposed project and are not required to serve the project. Construction will likely be open trench method. Depending upon the timing of the City's sewer improvements and the proposed development, the proposed sewer mains may be constructed as part of the development under a reimbursement agreement with the City should it be agreed by both parties. Drivable curbs and/or driveways at south and north ends of the proposed project site would allow City maintenance vehicles direct access to public pipelines and facilities on-site and north of the project.

Modeling results, as shown in Appendix K, indicate that the proposed sewer system connection would adequately serve the proposed project, and existing City infrastructure would have sufficient capacity to accommodate project demand. Additionally, based on findings from the off-site sewer analysis (Appendix O), the proposed project does not require any off-site pipeline improvements to accommodate the additional sewer flows.

The proposed sewer system would be designed and constructed in accordance with the guidelines, standards, and approved materials of the City, and no relocation or construction of new or expanded wastewater facilities would be required as a result of project implementation. Therefore, impacts related to wastewater demand and service would be **less than significant**.

Storm Water Drainage

As described above, no permanent stormwater conveyances currently exist on the vacant project site. The existing on-site drainage is natural, as it occurs via overland flow and concentrated flow in earthen ditches. A graded ditch accepts runoff from the dead end of Aspen Street and conveys it west across the site to a concrete channel that borders the site. Runoff from the residential area to the west flows onto the project site at the dead-end of Aspen Street. It then flows across the project site in a graded channel and enters a concrete drainage channel that runs along the east side of the site, discharging to a vegetated area adjacent to the San Luis Rey River. Runoff from Pala road enters the site immediately south of the intersection of Los Arbolitos Boulevard and Pala Road. This runoff flows east across the undeveloped right-of-way and discharges to the same vegetated area as the on-site flows (Appendix H). The runoff then confluences with San Luis Rey River (Lower) approximately 1,600 feet south of the site (Appendix M).

In proposed conditions, on-site areas will surface drain to the proposed private streets, and then to one of four on-site biofiltration BMPs on-site. The BMPs will drain via a private storm drain system. Flow from off-site areas that drain to the project site would be intercepted and conveyed through the project site. Runoff from off-site tributary areas and on-site areas will confluence in the proposed storm drain under Pala Road and would be discharged via a 60-inch storm drain to a headwall located at the existing point of discharge southwest of the project site.

Due to the change from pervious to impervious ground cover on-site as a result of project development, the proposed project would result in an increase in peak runoff flowrate by approximately 15%. This increase is not anticipated to create adverse downstream conditions, as all the proposed storm drains are designed with sufficient capacity to convey the flow to the outfall location. The Drainage Study found that no negative effects to downstream waterways are anticipated as a result of the increased flow during the peak of the 100-year storm. The outfall of the proposed 60-inch storm drain would have an invert that is below the 100-year flood elevation (per the FEMA Flood Profile for San Luis Rey River) (Appendix H). For these reasons, the project is not anticipated to impact local stormwater facilities, and project impacts related to stormwater would be **less than significant**. For additional detailed information on the proposed project's potential impacts to hydrology and water quality, please refer to Chapter 4.9 of this EIR.).

Please refer to Chapter 4.5, Energy, of this EIR for detailed project analysis on electric power, natural gas, and telecommunications facilities.

Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

As described in response to Threshold 1) above, the average day water demand for the proposed project would be approximately 17,712 gpd, maximum day water demand would be approximately 35,424 gpd, and peak hour water demand would be approximately 53,136 gpd. The City's Water Utilities Department Water Division purchases approximately 85% of the City's water supply from the San Diego County Water Authority (SDCWA) and treats it at the Weese Plant which has a current capacity of 25 million gallons per day (mgd). Mission Basin provides for the remaining water supply through extraction and treatment at the Mission Basin Plant with a capacity of 6.4 mgd (City of Oceanside 2021a). Water service to the proposed project would be from the City's Talone 320 Pressure Zone. The water supply comes from the five-million-gallon Wire Mountain Reservoir, the three-million-gallon Fire Mountain Reservoir, and the three-million-gallon John Paul Steiger Reservoir. As determined in the Water Systems Analysis (Appendix L), the existing public water system would provide the necessary flow and pressure for the proposed housing development project and for fire flow available to the project site. Considering the capacity of the City's existing facilities, water demand generated by project implementation is expected to be adequately served.

Citywide water supply planning is completed via the Urban Water Management Plan (City of Oceanside 2016a, 2021a). The proposed project would be in compliance with the General Plan and Zoning code, and therefore water demand of the project has been considered in the City and Regional water supply documents that are based on the buildout of the City. The City has also developed the Oceanside Water Conservation Master Plan (City of Oceanside 2016b), that further ensures water availability to the City during drought years. Additionally, the project would include water conserving landscaping along with efficient irrigation design consistent with the City's water planning efforts. Additionally, the SDCWA has developed a Water Shortage Contingency Plan (SDCWA 2021) as well that identifies ways in which the region can reduce water consumption during catastrophic events and in drought years. As part of the Water Shortage Contingency Plan, the Drought Ordinance established six drought stages of actions that can be taken to reduce water demand up to 50% or more. Because the occupants of the project would be a customer within the City's service area, the project would adhere to water conservation measures imposed by the City.

It has been determined that sufficient water supply would be available to serve the proposed project during normal, dry and multiple dry years, and therefore, impacts related to water supply are considered to be **less than significant**.

Would the project 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?

As described in response to Threshold 1), wastewater is collected and treated by the City's Water Utilities Department, Wastewater Division who own and operate the San Luis Rey Water Reclamation Facility, which is currently being expanded (secondary treatment capacity expanding from 13.5 million gallons per day (mgd) in 2020 to 17.4 mgd in 2045), and the La Salina Wastewater Treatment Plant (secondary treatment is 5.5 mgd) (City of Oceanside 2021a). The proposed project lies in the services area of the San Luis Rey Water Reclamation Facility which has a current treatment capacity of 3.0 mgd (City of Oceanside 2021a). As shown in Table 4.17-2 above, the estimated average sewer generation for the project would be 32,130 gpd (22 gpm).

Modeling results, as shown in Appendix K, indicate that the proposed sewer system connection would adequately serve the proposed project. Based on existing facility capacity, estimated sewer generation from the proposed project is expected to be adequately accommodated by the San Luis Rey Water Reclamation Facility in addition to their existing commitments. Construction of new facilities would not be required, and impacts related to wastewater service would be **less than significant**.

Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Waste from the proposed project would go to the El Sobrante Landfill. The El Sobrante Landfill has a maximum permitted throughput of 16,054 tons per day with estimated remaining capacity of 143,977,170 tons and projected closure date of January 1, 2051 (CalRecycle 2019). The Greenhouse Gas Screening Assessment prepared by Ldn Consulting, Inc. (Appendix G) estimated that the proposed project would generate approximately 63.14 tons of solid waste per year from the estimated 151 residences, which equates to approximately 0.17 tons of solid waste per day (Appendix G). This represents 0.00106% of the daily landfill capacity at El Sobrante Landfill.

Considering no demolition activities are required prior to construction, and considering the project would only generate approximately 151 residents on-site, it is determined that the El Sobrante Landfill has sufficient permitted capacity to serve the proposed project. Additionally, the proposed project would participate in the City's recycling programs, which would further reduce solid waste sent to El Sobrante Landfill. For these reasons, it is determined that the project would result in **less than significant** impacts related to solid waste.

Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

As previously stated, no demolition activities are required during construction of the proposed project. Construction waste would be generated in the form of excess building materials used during the construction phase. No other significant volume of refuse would be generated by construction activities. For project operation, it is estimated that the proposed project would generate approximately 63.14 tons of solid waste per year from the estimated 151 residences, which equates to approximately 0.17 tons of solid waste per day (Appendix G). This represents 0.00106% of the daily landfill capacity at El Sobrante Landfill, which is considered nominal.

The proposed project would comply with all applicable federal, state, and local policies outlined in Section 4.17.2 above, and project impacts related to solid waste would be **less than significant**.

4.17.5 Mitigation Measures

Impacts related to utilities and service systems as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.17.6 Level of Significance After Mitigation

No substantial impacts related to utilities and service systems were identified; therefore, no mitigation measures are required. Impacts related to utilities and service systems would be **less than significant**.

4.18 WILDFIRE

This section of the EIR evaluates the potential impacts associated with wildfire for the proposed project. This section presents the existing conditions, regulatory framework, impacts of the proposed project on the environment, and proposed mitigation measures to mitigate any identified significant wildfire-related impacts. Fire protection services for the project have been addressed in Chapter 4.13, Public Services

4.18.1 Existing Conditions

Wildfire is a continuous threat in Southern California, and is particularly concerning in the wildland-urban interface, the geographic area where urban development either abuts or intermingles with wildland or vegetative fuels. During the summer season, dry vegetation, prolonged periods of drought, and Santa Ana wind conditions can combine to increase the risk of wildfires in the County.

Fire History

The project area, like all of San Diego County, is subject to seasonal weather conditions that can heighten the likelihood of fire ignition and spread. Fire history is an important component of wildfire analysis. Wildfire history information can provide an understanding of fire frequency, fire type, most vulnerable project areas, and significant ignition sources, amongst others. The California Department of Forestry and Fire (CAL FIRE) maintain the Fire and Resource Assessment Program database, which was used to evaluate the project site's fire history to determine whether large fires have occurred in the project area, and thus the likelihood of future fires. Per the recorded fire history database, the site has not been subject to wildfire (CAL FIRE 2021). Recorded wildfire within 5 miles of the project site range from 167 acres (River fire in 2014) to 15,186 acres (Pulgas-Basoline Complex fire in 2014).

Fire Hazard Mapping

CAL FIRE's Fire and Resource Assessment Program database also includes map data documenting areas of significant fire hazards in the state. These maps categorize geographic areas of the state into different Fire Hazard Severity Zones (FHSZs), ranging from moderate to very high. CAL FIRE uses FHSZs to classify anticipated fire-related hazards for the entire state, and includes classifications for State Responsibility Areas, Local Responsibility Areas, and Federal Responsibility Areas. Fire hazard severity classifications take into account vegetation, topography, weather, crown fire production, and ember production and movement. As shown in Figure 4.18-1, Fire Hazard Severity Zones, the project site is not within a Very High FHSZ, but there is a VHFHSZ located approximately 0.4 miles southwest of the project site (CAL FIRE 2009).

Vegetation Communities and Land Covers

Variations in vegetative cover type and species composition have a direct effect on fire behavior. Some plant communities and their associated plant species have increased flammability based on plant physiology (resin content), biological function (flowering, retention of dead plant material), physical structure (leaf size, branching patterns), and overall fuel loading.

A critical factor to consider is the dynamic nature of vegetation communities. Fire presence and absence at varying cycles or regimes affect plant community succession. Succession of plant communities, most notably the gradual conversion of shrublands to grasslands with high frequency fires and grasslands to shrublands with fire exclusion, is highly dependent on the fire regime. Further, biomass and associated fuel loading will increase over time if disturbance or fuel reduction effects are not diligently implemented.

The vegetation types and land covers in the project area were identified during field assessments conducted for the project site. As detailed in Chapter 4.3, Biological Resources, the project site is characterized by Southern Willow Scrub, Non-native Grassland, Disturbed Habitat, and Urban/Developed Land. Figure 4.3-2 within Chapter 4.3 illustrates the distribution of vegetation communities and land covers in the study area.

Topography/Terrain

Topography influences fire risk by affecting fire spread rates. Typically, steep terrain results in faster fire spread up-slope and slower spread down-slope. Terrain that forms a funneling effect, such as chimneys, chutes, or saddles on the landscape can result in especially intense fire behavior, including faster spread and higher intensity. Conversely, flat terrain tends to have little effect on fire spread, resulting in fires that are driven by vegetation and wind. The project site is relatively flat and primarily consists of previously disturbed land, non-native grassland, and southern willow scrub. The San Luis Rey River is located down-slope of the project site to the north and west.

Climate, Weather and Wind

In the City, the summers are warm, arid, and clear and the winters are long, cool, and partly cloudy. During summer months (early July through October), the average daily high temperature is above 74°F, and during the cooler, winter months (November through April), the average daily high temperature is below 67°F. The temperature varies throughout the year but is rarely below 38°F or above 83°F. Like much of Southern California, the City experience seasonal variation in monthly rainfall throughout the year, with the wetter months lasting from November through April.

The project site, like much of Southern California, is influenced by prevailing wind patterns. Prevailing winds are winds that blow from a single direction over a specific area of the Earth. The

predominant average hourly wind speed and direction in the City varies throughout the year. The wind is most often from the west for 10 months, and the wind is most often from the east from early December to late January. The windier part of the year lasts for approximately 7 months (November to June), with average wind speeds of more than 6.2 miles per hour (WeatherSpark 2021).

4.18.2 Regulatory Setting

Federal

National Fire Protection Association Codes, Standards, Practices, and Guides

National Fire Protection Association (NFPA) codes, standards, recommended practices, and guides ("NFPA Documents") are developed through a consensus standards development process approved by the American National Standards Institute. This process brings together professionals representing varied viewpoints and interests to achieve consensus on fire and other safety issues. NFPA standards are recommended guidelines and nationally accepted good practices in fire protection but are not law or "codes" unless adopted or referenced as such by the California Fire Code (CFC) or local fire agency.

State

California Fire Code

The CFC is Chapter 9 of Title 24 of the California Code of Regulations. It was created by the California Building Standards Commission and is based on the International Fire Code created by the International Code Council. It is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The CFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazards classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every 3 years. Chapter 11, Article II (Fire Prevention) of the City's Municipal Code provide the City's adopted amendments to the 2019 CFC.

California Department of Forestry and Fire Protection

CAL FIRE is tasked with reducing wildfire-related impacts and enhancing California's resources. CAL FIRE responds to all types of emergencies including wildland fires and residential/commercial structure fires. In addition, CAL FIRE is responsible for the protection of approximately 31 million acres of private land within the state and, at the local level, is responsible for inspecting defensible space around private residences. CAL FIRE is responsible for enforcing

State of California fire safety codes included in the California Code of Regulations and the California Public Resources Code (PRC).

California Strategic Fire Plan

In 2010, the State Board of Forestry and Fire Protection issued the California Strategic Fire Plan, a statewide fire plan developed in concert between the State Board of Forestry and Fire Protection and CAL FIRE. Goals included improved availability and use of information on hazard and risk assessment, land use planning, development of shared vision in plans such as Community Wildlife Protection Plans (CWPPs), establishment of fire resistance in assets at risk, shared vision among fire protection jurisdictions and agencies, levels of suppression, and post-fire recovery.

In support of this plan, several policies are noted, including creation of defensible space, improving home fire resistance, fuel hazard reduction that creates resilient landscapes and protects wildland and natural resources, adequate and appropriate fire suppression, and commitment by individuals and communities to wildfire prevention and protection through local planning.

The California Strategic Fire Plan's several objectives are as follows: the state will produce tools such as updates to the CAL FIRE VHFHSZ maps, fire history, and data on values and assets at risk; assist government bodies in the development of a comprehensive set of wildland and WUI protection policies; identify minimum key components necessary to achieve a fire safe community; coordinate CAL FIRE Unit Fire Plans with CWPPs; improve regulatory effectiveness, compliance monitoring, and reporting pursuant to PRC 4290 and 4291; and participate in public education efforts concerning regulation, prevention measures, and preplanning.

Local

California Disaster and Civil Defense Master Mutual Aid Agreement

As provided for in the California Emergency Services Act, this agreement was developed in 1950 and adopted by all 58 California counties. This statewide mutual aid system is designed to ensure that adequate resources, facilities, and other support is provided to jurisdictions whenever their own resources prove to be inadequate to cope with a given situation. San Diego County is located in Mutual Aid Region 6 of the state system, which also includes Imperial, Riverside, San Bernardino, Inyo, and Mono counties.

San Diego County Emergency Plan

The San Diego County Emergency Plan is a comprehensive emergency management system that provides for a planned response to disaster situations associated with natural disasters, technological incidents and nuclear defense operations. The Plan includes operational concepts

relating to various emergency situations, identifies components of the Emergency Management Organization and describes the overall responsibilities for protecting life and property and assuring the overall well-being of the population. The plan also identifies the source of outside support that might be provided (through mutual aid and specific statutory authorities) by other jurisdictions, state and federal agencies and the private sector.

City of Oceanside General Plan

Public Safety Element

The Public Safety Element identifies hazards, such as earthquakes, fires, and tsunamis, and provides guidance for proper mitigation measures, such as evacuation routes, to ensure safety. Along with long range policies regarding seismic, flooding, and fire hazards, this element also includes a Public Safety Plan. The Public Safety Plan includes maps of indicating areas that have increased susceptibility to these hazards and relocation routes during emergency evacuations.

4.18.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to wildfire are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to wildfire would occur if the proposed project would:

1. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:
    a. Substantially impair an adopted emergency response plan or emergency evacuation plan.
    b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
    c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
    d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

4.18.4 Impacts Analysis

Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The project site is not located within or adjacent to a State Responsibility Area (SRA) or Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone (VHFHSZ) (CAL FIRE 2009). The project site is located within an urbanized and developed area of the City. Although the project site borders the San Luis Rey River corridor, this wildland is not in an area subject to high fire risk. The nearest VHRHSZ is a LRA located approximately 0.3 miles southwest of the proposed project site (CAL FIRE 2009). As discussed in Chapter 4.8, Hazards, the project would not conflict with the regional or city emergency response plans, and the City's Fire Department has determined the site would have adequate emergency access. Final site plans for the proposed project would be subject to review by City Fire, prior to project development. Please refer to Chapters 4.8 Hazards, 4.13 Public Services, and 4.15 Traffic and Circulation, for additional information related to fire risk and fire service. The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan and, therefore, impacts are determined to be **less than significant**.

Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Please refer to the response to threshold 1) above. The proposed project site is located in a developed area of the City and is not located within or adjacent to a fire hazard severity zone. Although the project site is located adjacent to the San Luis Rey River corridor that includes native vegetation that could experience a relatively small-scale wildfire risk, the proposed project land uses would not exacerbate that risk. The preliminary site plans and emergency access for the proposed project have been reviewed by City Fire and would be in compliance with the Fire Code. It has been determined that the proposed project would not exacerbate wildfire risks, exposing occupants to pollutants and, therefore, impacts would be **less than significant**.

Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Please refer to the response to threshold 1) above. While the proposed project would require the installation of water sources and other underground utilities (refer to Chapter 4.17, Utilities and Service Systems), these would not exacerbate fire risks, as the proposed project is not located within or adjacent to a fire hazard severity zone and these improvements would be constructed within an existing right-of-way or within the project site boundary. The proposed project would

not require the installation or maintenance of such infrastructure which would exacerbate fire risk, and therefore, impacts are determined to be **less than significant**.

Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Please refer to the response to threshold 1) above. The project is not located in a VHFHSZ and risk of wildfire is considered low in the nearby San Luis Rey River corridor due the relative size of the upland habitat area and location. Due to the site location uphill relative to the river corridor, the project would not be subject to downhill flooding or landslides resulting from a fire in the river corridor. The Geotechnical Report (Appendix F) also does not note any significant landslide risks based on the soil types. The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts are determined to be **less than significant**.

4.18.5 Mitigation Measures

No significant impacts related to wildfire were identified; thus, no mitigation measures are required.

4.18.6 Level of Significance After Mitigation

As analyzed above, no significant impacts related to wildfire were identified; thus, no mitigation measures are required. Impacts related to wildfire as a result of project implementation would be **less than significant**.

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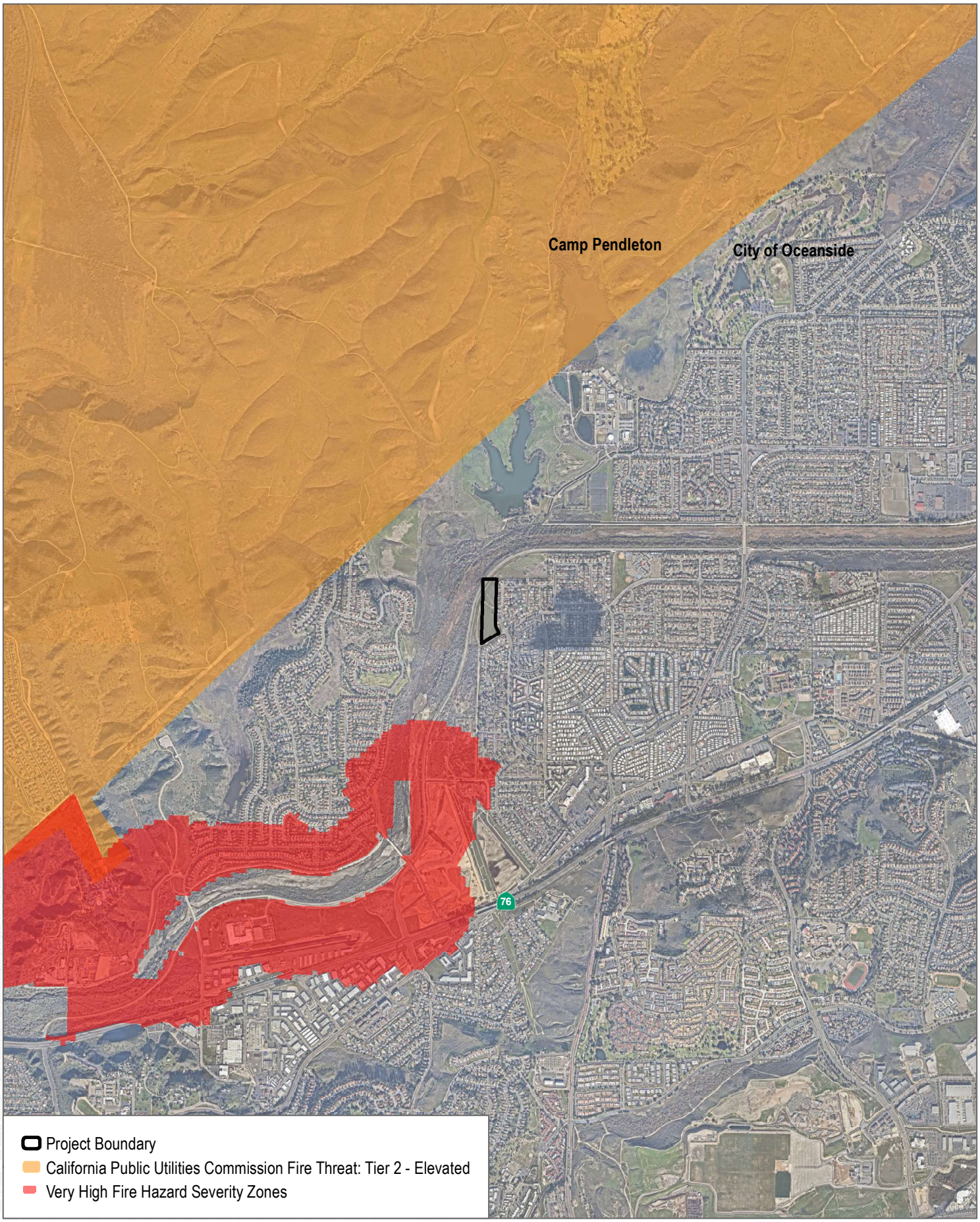

SOURCE: SANGIS 2019, CAL FIRE 2021

DUDEK

0 1,250 2,500 Feet

FIGURE 4.18-1

Fire Hazard Severity Zones

Cypress Point Project Environmental Impact Report

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CHAPTER 5
EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines requires that an environmental impact report (EIR) briefly describe potential environmental effects that were determined not to be significant and therefore were not discussed in detail in the EIR. The environmental issues discussed in the following sections are considered less than significant and do not require mitigation. The reasons for the conclusion of less than significant are discussed below.

5.1 AGRICULTURE AND FORESTRY RESOURCES

A significant impact related to agriculture and forestry resources would occur if the project would:

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.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

d) Result in the loss of forest land or conversion of forest land to non-forest use.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

a) Would the project 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?

The proposed project site does not include and is not adjacent to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (DOC 2016). As such, the proposed project would have **no impact** to Farmland resources.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The proposed project site consists of 7.3 acres of undeveloped, vacant land in the urbanized area of the City that is zoned for residential uses and is not used for agricultural purposes.

According to the State Farmland Mapping and Monitoring Program, the site is designated as Other Land (SDCIF 2016). In addition, the site is not subject to a Williamson Act contract (DOC 2014). Therefore, the proposed project would result in **no impact**.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The project site does not contain any timber or forest resources and does not meet the criteria for forest land or timberland. The project site is surrounded by residential, open space and commercial uses, in an area that has no timberland zoning. Additionally, the U.S. Department of Agriculture's Forest Service Forest finder does not identify any forest lands within the project site or surrounding areas (USDA 2021). Therefore, the proposed project would not conflict with existing zoning for forest land or timberland, and **no impact** would occur.

d) Would the project result in the loss of forest land or conversion of forest land to non- forest use?

Please refer to response to threshold (c) above. There are no designated forest lands within the project vicinity, and therefore **no impact** would occur.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Please refer to response to thresholds (a) through (d) above. As no agricultural farmland or forest land resources are located on or in the vicinity of the project site, and the project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use, the proposed project would have **no impact** related to the conversion of agricultural or forest land.

5.2 MINERAL RESOURCES

A significant impact related to mineral resources would occur if the project would:

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.

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.

a) Would the project 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?

As mandated by the Surface Mining and Reclamation Act (SMARA) of 1975, the California State Mining and Geology Board classifies the state's mineral resources with the Mineral Resource Zone (MRZ) system. This system includes identification of presence/absence conditions for meaningful sand and gravel deposits. The project site is located within MRZ-3, which is designated as areas containing mineral deposits, the significance of which cannot be evaluated from available data.

According to the City's General Plan – Land Use Element, the proposed project is not within a designated mineral resource area (City of Oceanside 1986) and therefore would not 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. Thus, the proposed project would have **no impact** on mineral resources.

b) Would the project 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?

Please refer to the response to threshold (a) above. The proposed project is not within a designated mineral resource area (City of Oceanside 1989) and would not 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. Therefore, **no impact** would occur.

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CHAPTER 6
CUMULATIVE EFFECTS

6.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires an environmental impact report (EIR) to analyze cumulative impacts. The purpose of this section of the EIR is to explain the methodology for the cumulative analyses and present the potential cumulative effects of the Cypress Point Project (proposed project).

Section 15355 of the CEQA Guidelines defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Section 15130 of the CEQA Guidelines provides guidance for analyzing significant cumulative impacts in an EIR. The discussion of cumulative impacts "need not provide as great detail as is provided for the effects attributable to the project alone," but instead is to be "be guided by standards of practicality and reasonableness." (Guidelines § 15130(b).) The discussion should also focus only on significant effects resulting from the project's incremental effects and the effects of other projects. According to Section 15130(a)(1), "an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR."

Cumulative impacts can result from the combined effect of past, present, and future projects located in proximity to the project under review. Therefore, it is important for a cumulative impacts analysis to be viewed over time and in conjunction with other related past, present, and reasonably foreseeable future developments whose impacts might compound or interrelate with those of the project under review.

6.2 METHODOLOGY

According to Section 15130(b)(1) of the CEQA Guidelines, a cumulative impact analysis may be conducted and presented by either of two methods:

(A) a list of past, present, and probable activities producing related or cumulative impacts; or

(B) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

Due to the differing nature of cumulative effects and the associated cumulative study areas for each environmental topic, the approach method utilized is discussed in each section below.

6.3 CUMULATIVE PROJECTS

Based on information provided by the City of Oceanside (City) and the cumulative projects used in the Local Transportation Analysis prepared by Linscott Law & Greenspan Engineers (Appendix M), a list of cumulative projects under consideration for this analysis is presented in Table 6-1.

Table 6-1
Cumulative Projects

No.	Project Name	Location	Type of Development	Description	Status
1	Ocean Kamp	North of SR 76 at Mission Avenue, Foussat Street, and Alex Road	Hotel, Multi-Family Residential, Commercial/Retail	150 Hotel Rooms, 350 Residential Dwelling Units, 63,000 square feet of commercial/retail	Under Review
2	Mission Flats	Douglas Drive and SR 76	Multi-Family Residential, Commercial/Retail	137 Residential Dwelling Units, 4,200 square feet of commercial/retail	Approved
3	Oceanpointe Multi-Family	South of SR 76 off Stage Coach Road	Multi-Family Residential	158 residential dwelling units	Approved
4	Alta Oceanside	North Coast Highway and Costa Pacifica Way	Mixed-Use Residential	A proposed 5 story mixed-use development project consisting of 5,615 square feet of ground floor commercial space and a total of 309 residential rental units with 10 of the units being located in a freestanding 10-plex located on the southwest portion of the site.	Approved
5	North River Farms	North River Road and Wilshire Road	Mixed-Use Residential	Proposed development plan to allow a 725-unit residential development with associated agricultural, commercial, and recreational uses on a 177-acre site	Approved
6	Rio Rockwell	Old Grove Road and Frazee Road	Rezone for residential use	Rezone site to allow a 78-unit residential project	Approved
7	Nagata (North River Road Planned Block Development)	North River Road and Calle Joven	Planned Block Development	General Plan Amendment from Limited Industrial (LI) to Medium Density Residential C (RMD-C), Zone Amendment from IL to RM-C-PBD, and adoption of a Planned Block Development to provide for development standards and design guidelines for future development	Under Review
8	Kawano (North River Road Planned Block Development)	North River Road and Calle Joven	Planned Block Development	General Plan Amendment from Limited Industrial (LI) to Medium Density Residential C (MDC-R), Zone Amendment	Under Review

6.4 CUMULATIVE IMPACT ANALYSIS

6.4.1 Aesthetics

The proposed project would contribute to the changing visual character of the area. These visual changes would be most evident for residents in the neighboring residential developments to the east and south, and recreationalists utilizing the San Luis Rey River bike trail. However, cumulative development would not represent a substantial degradation in visual quality or a substantial impediment to scenic views as described in Chapter 4.1 of this EIR. The project would be constructed on an infill site in an area that already consists of residential development and related land uses. Although the project would propose two-story homes adjacent to existing one-story residential development, it would conform to the general aesthetic of the surrounding residential community character, which includes both one and two story single-family and multi-family units. Similar to the proposed project, all cumulative projects are required to participate in the City of Oceanside's design review process, which includes review of the proposed landscaping plan as well as a consistency finding with regard to proposed building design, mass, bulk, and height in the context of the existing landscaping.

The project would introduce a new source of light and glare to the project area. The cumulative projects are also anticipated to contribute new sources of light and glare as projects are constructed. Each cumulative project would be required to address the effects of light and glare on sensitive receptors and provide mitigation as necessary. As described in Section 4.1, Aesthetics, the project site is surrounded by existing transportation corridors, residential uses, and San Luis Rey River. In addition, the project would not be anticipated to result in substantial light and glare because proposed architecture does not include the use of reflective building materials and finishes, reflective lighting structures, metallic surfaces, nor overhead street lighting. In addition, the proposed project and each cumulative project would be required to comply with the City of Oceanside Municipal Code Chapter 39 Light Pollution Regulations. Therefore, cumulative impacts related to visual resources would be less than significant.

6.4.2 Air Quality

Air pollution is largely a cumulative impact and is cumulatively evaluated based on the air basin. The nonattainment status of regional pollutants is a result of past and present development, and SDAPCD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality. The San Diego Air Basin has been designated as a federal nonattainment area for ozone (O_3), and a state nonattainment area for O_3 and particulate matter (PM_{10}, and $PM_{2.5}$). PM_{10} and $PM_{2.5}$ emissions associated with construction generally

result in near-field impacts. As discussed in Chapter 4.2, the emissions of all criteria pollutants, including PM_{10} and $PM_{2.5}$, would be below the significance levels.

As described in Chapter 4.2 of this EIR, construction of the project would result in the temporary addition of pollutants to the local SDAB caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and VOC off-gassing) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). The project's construction emissions were estimated using CalEEMod and compared to the San Diego Air Pollution Control District (SDAPCD) Thresholds of Significance. It was determined that no direct construction impacts are expected, and mitigation measures for criteria pollutants and fugitive dust from construction are not required. The project applicant has indicated that as a design feature, all diesel equipment would be Tier 4 with DPF and that the grading contractor would follow Best Management Practices (BMPs) for grading as it relates to minimizing air quality emissions and would comply with all SDAPCD rules and regulations. Therefore, the project's air pollutant emission impact during construction is determined to be less than significant.

The project would generate criteria pollutant emissions during operation from area, energy, and mobile sources. The emissions were estimated using CalEEMod and compared to SDAPCD's significance thresholds for operation. It was determined that the project would not exceed the mass emissions significance thresholds for VOC, NO_x, CO, SO_x, PM_{10}, and $PM_{2.5}$ during operation, and therefore, project operational impacts are determined to be less than significant.

Regarding air quality plan consistency and anticipation of cumulative air quality impacts in local air quality planning, the Regional Air Quality Strategy (RAQS) relies on San Diego Association of Governments (SANDAG) growth projections based on population, vehicle trends, and land use plans developed by the cities and by the County of San Diego as part of the development of their general plans. As such, projects involving development that is consistent with the growth anticipated by local plans would be consistent with the RAQS. However, if a project involves development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the RAQS and may contribute to a potentially significant cumulative impact on air quality. The proposed project would be consistent with the existing General Plan land use designation and zoning for the site (City of Oceanside 1986); therefore, the proposed project would be consistent with the RAQS.

Similar to the project, cumulative projects would be required to prepare an Air Quality Assessment to determine potential impacts related to air quality. As the project would not exceed SDAPCD's mass daily significance thresholds during construction or operation, the cumulative project impact would be less than significant.

6.4.3 Biological Resources

Cumulative impacts concerning biological resources are planned for and addressed in adopted habitat conservation plans, natural community conservation plans, and other applicable approved conservation plans for the purposes of protecting biological resources. Generally, if a project is consistent with applicable conservation plans, the project would not result in cumulatively considerable biological resource impacts. In an effort to avoid and minimize cumulative impacts to sensitive biological resources throughout San Diego County, the City of Oceanside participates in a regional conservation planning effort, the North San Diego County Multiple Habitat Conservation Program (MHCP). This planning effort provides a regional plan for preservation and mitigation of sensitive biological resources within San Diego County. General biological resource core areas as well as essential wildlife linkages are outlined in this plan. The Oceanside Subarea Plan further addresses specific preserve areas, implementation techniques, and management parameters unique to land within the City consistent with the MHCP. This program addresses cumulative biological efforts on a jurisdictional and regional level for MHCP-covered species in the MHCP Plan Area.

The proposed project was assessed to ensure consistency with the City of Oceanside MHCP Draft SAP by reviewing the applicable SAP standards against the proposed project. The proposed project is located adjacent to the City's SAP Hardline Preserve and WCPZ that includes the SLR River corridor that supports a variety of native wildlife including listed bird species; the project site does not support narrow endemic species or wetlands but is located adjacent to wetland habitat.

As analyzed in Chapter 4.3 of this EIR, implementation of the proposed project would result in 7.0 acres of direct impacts to non-native grassland (MHCP/SAP Habitat Group E) due to vegetation clearing, grubbing, and grading construction activities. Although the on-site non-native grassland has limited biological function and value, it is considered to be a sensitive habitat type; therefore, project impacts to non-native grassland would be considered potentially significant and would require mitigation measures to reduce impacts to a level below significance. Implementation of mitigation measure **MM-BIO-1** would be required.

No special status plant species or narrow endemic species were identified on site, and none have at least a moderate potential to occur on site based predominately on the lack of potentially suitable habitat, soil, and/or other conditions. In addition, no other special status plant species were determined to have at least a moderate potential to occur within the project site. Furthermore, No special status wildlife species were observed and/or detected within the proposed project site and none have at least a moderate potential to occur on site predominately based on the lack of potentially suitable habitat and/or conditions on site. However, the three federally listed species (i.e., vireo, rail, and flycatcher) that occur off site within the adjacent

riparian habitat in the San Luis Rey River channel are well documented within the flood control channel that is separated from the project property by an elevated levee hosting a public bikeway. The proposed project would be required to incorporate the City of Oceanside MHCP Draft SAP consistent measures outlined in Chapter 4.3 to control elevated noise or fugitive dust during the vireo, rail, and flycatcher breeding season to avoid any adverse effects to breeding vireo, rail, and flycatcher within the San Luis Rey River habitat located adjacent to the project site; and implementation of **MM-BIO-2** and **MM-BIO-3** would further ensure avoidance of inadvertent direct impacts to sensitive habitat outside the proposed project footprint.

The project proposes to remove and replace a portion of a storm water pipeline and associated outfall within a relatively small area along the eastern edge of the adjacent Preserve. This has the potential to disturb habitat along a CDFW non-wetland jurisdictional streambank. However, project construction would include incorporation of BMPs outlined in the Biological Resources Technical Report, Geotechnical Report, and Drainage Study; construction activities would be monitored by a qualified biologist; the area would be revegetated to pre-impact condition following construction; and mitigation measures **MM-BIO-1** through **MM-BIO-4** would be implemented. With incorporation of these measures, the project is expected to be consistent with this conditionally allowed use in the adjacent Preserve.

The MHCP was designed to compensate for the loss of biological resources throughout the program's region; therefore, projects that conform to the MHCP as specified by the City of Oceanside SAP and implementing ordinances would not result in cumulatively considerable impacts for those biological resources adequately covered. Although the proposed project would result in impacts to 3.5 acres of non-native grassland, project implementation of proposed mitigation measures **MM-BIO-1** through **MM-BIO-4** outlined in Chapter 4.3 would ensure project and cumulative impacts would be reduced to a level of less than significant, and conflict with the City's MHCP SAP would not occur. Each cumulative project would be required to prepare a Biological Resources Study to evaluate project-specific impacts.

6.4.4 Cultural Resources

As discussed in Chapter 4.4, Cultural Resources, there is the potential for archaeological and paleontological resources to occur in the underlying sediments beneath the fill material. Monitoring on site during grading and excavation activities would reduce potential impacts to less than significant levels. Cultural and paleontological resources are localized and generally unique at each site. All significant cultural and paleontological resources associated with the proposed project and other cumulative projects would be mitigated on a project-by-project basis; therefore, cumulative impacts to the region's known and yet-to-be-discovered cultural and paleontological resources would be less than significant.

6.4.5 Energy

The project site is located in an area that is served by existing utilities and public services. The proposed project would result in an increase in local consumption of both electricity and natural gas. However, the project's energy demands would be consistent with the anticipated level of economic development and growth in the region, and SDG&E would have sufficient available capacity to serve the proposed project. Further the project would incorporate energy-efficient elements to ensure that energy consumption of the proposed project would not be wasteful or inefficient, as outlined in Chapter 3 and Chapter 4.5 of this EIR. Similarly, development of the cumulative projects listed in Table 6-1, Cumulative Project List, would be required to assess project-specific impacts related to energy consumption and include design measures consistent with the most recent building code as it relates to energy use, Therefore, the proposed project, in combination with cumulative projects, would not have a cumulative impact on energy.

6.4.6 Geology and Soils

Geotechnical conditions are unique to each site and are not cumulatively related. Approved projects and those under review are subject to soils and stability analysis and cannot be constructed unless each project is determined to be geotechnically feasible. Therefore, based on the analysis provided in Chapter 4.6, there would be no cumulative impacts associated with slopes and soil stability. With regard to seismicity, the project and any future development would expose additional property and people to ground shaking from earthquakes. However, this impact can be mitigated by compliance with the California Building Code's seismic requirements. Therefore, no significant cumulative impacts related to geology issues would occur.

6.4.7 Greenhouse Gas Emissions

Greenhouse gas (GHG) emissions are said to result in an increase in the Earth's average surface temperature, commonly referred to as "global climate change." Global climate change is a cumulative impact; a project contributes to this potential impact through its incremental contribution combined with the cumulative increase of all other sources of GHGs. Thus, GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA 2008). This approach is consistent with that recommended by the California Natural Resource Agency, which noted in its Public Notice for the proposed CEQA amendments that the evidence before it indicates that in most cases, the impact of GHG emissions should be considered in the context of a cumulative impact, rather than a project-level impact (CNRA 2009a). Similarly, the Final Statement of Reasons for Regulatory Action for amendments to the CEQA Guidelines confirms that an EIR or other environmental document must analyze the incremental contribution of a project to GHG levels and determine whether those emissions are cumulatively considerable (CNRA 2009b).

Construction of the project would result in GHG emissions, which are primarily associated with the use of off-road construction equipment, on-road vendor trucks, and worker vehicles. The construction GHG emissions as calculated in CalEEMod are shown in Chapter 4.7, Table 4.7-3. Total cumulative or combined construction emissions (from 2023 and 2024) that are generated prior to operations will ultimately contribute to yearly emission levels of the project as a whole. Because of this, it is acceptable to average the total construction emission over a 30-year period which represents an average lifecycle of a project. GHGs related to construction are shown in Table 4.7-3. Based on this, it is expected that the 30-year average would be 17.18 MT CO_2e per year. Operational GHG emissions generated from area, energy, mobile, solid Waste, and water uses was also calculated using CalEEMod. Operational emissions from the proposed project would also include amortized construction emissions from Table 4.7-3. Based on these findings, combined operational and construction GHG emissions would generate approximately 531.48 Metric Tons of CO_2e each year during a typical operational year. The expected operational emissions for the proposed project would generate roughly 3.29 MT CO_2e/SP. Additionally, the project would not exceed the City's 900 MT CO_2e screening threshold.

Additionally, as outlined in Chapter 3 of this EIR, the project would incorporate sustainability design features to reduce potential energy and water usage, promote pedestrian and bicycle travel, and reduce potential greenhouse gas emissions. These sustainability features include solar systems for each home within the development, installation of 90% light-emitting diode (LED) lighting or other high-efficiency lightbulbs, energy star or equivalent energy efficient appliances, low-flow water fixtures and appliances, drought-tolerant landscaping and water efficient irrigation systems on-site, and bicycle parking.

Furthermore, as outlined in Chapter 4.7, Tables 4.7-5 and 4.7-6, the project would not interfere with implementation of any GHG reduction goals for 2030 or 2050 because the project would not exceed the 900 MT CO_2e threshold of significance for GHG emissions impacts. The project would not conflict with SB 32 and EO S-3-05.

Project impacts related to GHG emissions were determined to be less than significant. Development of the cumulative projects listed in Table 6-1, Cumulative Project List, would emit GHGs during construction and operation that could result in a potential cumulative impact and all cumulative projects would similarly be required to prepare a GHG Study to analyze project-specific impacts and provide any necessary mitigation measures.

6.4.8 Hazards and Hazardous Materials

Past, current, and reasonably foreseeable projects in the region will result in the use and transport of incrementally more oils, greases, and petroleum products for operation purposes. Although these could be subject to accidental spillage, there is no quantifiable cumulative effect since accidents are

indiscriminate events, not related or contributory to one another. Provided that individual projects adhere to current laws governing storage, transportation, and handling of hazardous materials, no significant cumulative hazards or threats to human health and safety are anticipated.

During construction of the proposed project, there is potential for release of hazardous materials related to storage, transport, use, and disposal from construction debris, landscaping, and commercial products. However, the proposed project would be required to adhere to federal, state, and local laws, such as California's Occupational Safety and Health Administration (CalOSHA) requirements, Hazardous Waste Control Act, California Accidental Release Prevention (CalARP), and the California Health and Safety Code, which regulate the management and use of hazardous materials, which are intended to minimize risk to public health associated with hazardous materials. The project proposes residential development, which is not typically considered a source of substantial hazardous materials. See Chapter 4.8, Hazards and Hazardous Materials, for additional details.

Similar to the proposed project, cumulative projects would be required to analyze specific impacts related to hazards and hazardous materials as well as remediate any hazardous conditions that could occur.

Proposed project impacts related to hazards and hazardous materials were determined to be less than significant, and therefore the project would not combine within any cumulative projects in a manner that would increase potential exposure to hazards. Therefore, cumulative impacts would be less than significant.

6.4.9 Hydrology and Water Quality

The project is located within the San Luis Rey Hydrologic Unit (903), within the Lower San Luis Hydrologic Area (903.1) and the Mission Hydrologic Sub-Area (903.11) of the Water Quality Control Plan for the San Diego Basin (California Regional Water Quality Control Board 2016). Within this Hydrologic Sub-Area, downstream impaired 303(d) listed water bodies include the Pacific Ocean Shoreline, San Luis Rey River Mouth impaired by enterococcus, total coliform, indicator bacteria; and San Luis Rey River and Lower Stream impaired by chloride, enterococcus, fecal coliform, phosphorus, total dissolved solids, total nitrogen, toxicity, and indicator bacteria. Total Maximum Daily Loads (TMDLs) have been accordingly established to address these pollutants for these impaired water bodies. Considering the downstream waters are impaired by these pollutants, the potential pollutants of concern that may be generated by the project based on the proposed residential use are sediment, nutrients, organic compounds, trash and debris, oxygen demanding substances, bacteria and viruses, and pesticides.

The project, in conjunction with other future projects, may affect water quality on a cumulative scale; however, future projects are required to comply with applicable federal, state, and city

regulations for stormwater and construction discharges, including the application of BMPs, which would reduce cumulative impacts to water quality to a level below significance. As outlined in Chapter 4.9 of this EIR, implementation of the proposed project would not result in impacts related to water quality, drainage and stormwater capacity, flooding, or groundwater. The project would implement BMPs and project-specific measures outlined in the project-specific SWQMP and SWPPP to reduce potential effects. The project would be in compliance with state and city water quality standards. Thus, the project would not combine with existing urban runoff or that of cumulative projects. Compliance with stormwater standards would preclude a cumulatively considerable contribution to downstream water quality.

6.4.10 Land Use and Planning

Although land use and planning impacts tend to be localized, and specific impacts are tied either directly or indirectly to specific action, the proposed project may have the potential to work in concert with other past, present, or future projects to either cause unintended land use impacts, such as reducing available open space or to accommodate increased growth that may result in more intensive land uses. Therefore, the geographic context for cumulative analysis is the policy area, which in this case is the City.

The proposed project and related cumulative projects in the immediate vicinity are subject to the goals and policies of the City's General Plan and other planning documents, as applicable. The project site is zoned RS-Single family residential, corresponding with the City of Oceanside's General Plan designation of SFD-R. Proposed development would be consistent with the City's land use and zoning designations for the site, and the proposed project would be in compliance with the Surplus Lands Act which requires that 15% of the proposed homes, or 8 units, be affordable (which is one (1) more affordable unit than the 7 required under the density bonus, as described in Chapter 3 of this EIR).

Prior to approval, the proposed project, and all related cumulative projects, must be found consistent with the City's General Plan and other applicable City planning documents. As analyzed in response to Threshold 2) in Chapter 4.10, and as outlined in Table 4.10-1, the project would not conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The cumulative projects requiring General Plan Amendments also would require approval by the City. Consistency with the City's applicable General Plan policies (and any other applicable planning documents) would ensure compliance and orderly development of the proposed project and other related cumulative projects. Similar to the proposed project, final site plans of all cumulative projects would be subject to review and approval by the City. Therefore, cumulative project impacts related to land use and planning is determined to be less than significant.

6.4.11 Noise

Cumulative noise impacts could occur as a result of excess temporary construction and/or long-term operational noise from the combination of cumulative project noise sources. As described in Chapter 4.11 of this EIR, the proposed project would not result in significant construction or operational noise impacts, and would not result in generation of excessive groundborne vibration. Although all of the projects in the cumulative projects list could result in significant noise impacts related to construction and/or operations, these projects would be required to comply with the same regulations pertaining to noise levels and exposure to noise and vibration. These regulations would ensure that noise impacts would remain below a level of significance. Additionally, not all projects would be in construction during the same time, and not all cumulative projects would result in significant operational noise impacts, based on the proposed land use. Similar to the proposed project, cumulative projects would be required to prepare a Noise Study to assess project-specific noise impacts. Therefore, the proposed project, in combination with the cumulative projects, would not result in a significant cumulative noise impact.

6.4.12 Population and Housing

The geographic context for the analysis of cumulative impacts associated with population and housing consists of the City, which is consistent with how population is addressed and planned for via the City of Oceanside General Plan and Regional Housing Needs Assessments (RHNA).

As discussed in Chapter 4.12, the project would construct 54 residential units, which would have the potential to house approximately 151 people, based on the City's Housing Element of an average household size of 2.8 persons per dwelling unit (City of Oceanside 2013). The City's General Plan has designated the project site as Single Family Detached Residential (SFD-R) and the project site is zoned RS-Single family residential. The proposed project would be consistent with the designated land use and zoning for the site. Further, implementation of the proposed project would be consistent with the SANDAG growth projections, as well as the City's RHNA goals. Therefore, although the proposed project would directly lead to additional growth within the City, the increase of approximately 151 people at the project site is considered to be nominal, and this growth has been accounted for in the City's General Plan.

The project would not lead to indirect growth, as the project does not propose substantial infrastructure improvements that would allow for additional unplanned growth in the area. It is noted that the surrounding area has already been developed for residential uses, and land that has not been developed is designated as Open Space, limiting further substantial development of the area. Therefore, the proposed project would not induce substantial unplanned population growth in an area, and would not result in cumulative impacts to population and housing.

6.4.13 Public Services

As detailed in Chapter 4.13, Public Services and Facilities, the proposed project would involve an incremental increase in demand for public services. As analyzed in Chapter 4.12, the project would be adequately served by existing police and fire protection services, as well as existing school and park facilities, and would not require new or expanded facilities to serve the site that would cause physical environmental impacts.

The projects in the cumulative project list could contribute to a cumulatively considerable use of public services, including land development projects that will allow considerable growth in the Cities of Oceanside. However, these projects would be required to analyze such project-specific impacts to public services, and availability of services. In addition, the cumulative projects and the proposed project would each be required to pay development impact fees, school facilities fees, and in-lieu park fees, as stipulated by the City of Oceanside Municipal Code and California Government Code Section 65996. These regulations would ensure that impacts would remain below a level of significance. Therefore, the proposed project, in combination with the cumulative projects, would not result in a cumulative considerable impact related to public services and facilities.

6.4.14 Recreation

The geographic context for the analysis of cumulative impacts associated with recreation consists of the City, because recreational facilities are provided by the City. The proposed project would contribute a direct permanent increase to the population of the City and increase the demand for recreational areas. Therefore, the proposed project would contribute to an increase the use of existing nearby parks and recreational trails.

As described in Chapter 3 of this EIR, Project Description, approximately 24% of the project site is planned as open space. A total of approximately 27,023 square-feet of common open space is proposed, which consists of central green space, and the north and south sides of the eastern landscaped area. Each residence would have a private backyard, which would provide a total of approximately 49,140 square-feet of private open space within the project site (approximately 910 square-feet per residence). Overall, a total of 76,163 square-feet of useable open space would be provided by the project. Three hundred (300) square-feet of open space per unit is required by the City, and the project proposes 1,410 square-feet of open space per unit.

The City's parks and recreation facilities consist of 15 community and 17 neighborhood parks, one regional park, three recreation centers (Junior Seau Community Center, Joe Balderamma Recreation Center, and Melba Bishop Recreation Center), a YMCA and Boys and Girls Club, two senior centers, five skateparks, two pools, and Oceanside's 3.5 miles of beach, harbor and the pier. Residents can also enjoy more than 115 acres of school play areas as provided through Memorandums of Understanding (MOUs) with the Oceanside Unified School District. The closest

neighborhood park to the project site is the 4-acre Fireside Park located approximately 0.50 mile south of the project site. The closest community parks to the project site include 19-acre Buddy Todd Park, located approximately 2 miles south of the project site; 27-acre Libby Lake Park, located 2 miles northeast of the project site; and 29-acre Mance Buchanon Park, located approximately 2.5 miles northeast of the project site. The 75-acre Guajome Regional Park is located approximately 3.8 miles east of the project site. Additionally, the San Luis Rey River Trail is located adjacent to the project to the north and the west. The trail runs 7.2 miles adjacent to the San Luis Rey River with 10 access points for pedestrians and cyclists (City of Oceanside 2019).

According to the City's General Plan – Community Facilities Element, the City's goal is to provide a minimum of five acres of developed "community parks" per 1,000 residents within the City (City of Oceanside 1990). As described above, the City currently has a total of 797.7-acres of existing parkland. As of 2019, the population within the City of Oceanside was 175,389, resulting in a parkland service ratio of 4.5 acres per 1,000 residents. While this is below the current standard of 5 acres per 1,000 residents, the existing inventory includes only two acres of the 465-acre El Corazon Specific Plan area. Planned development of El Corazon Park will result in an additional 210 acres of parkland. With completion of El Corazon Park, the parkland service ratio will increase to 5.7 acres per 1,000 residents (City of Oceanside 2021).

Although the project would potentially increase the utilization of existing parks and recreational facilities within the City; it is determined that the combination of proposed project open space amenities on site, existing park and recreational facilities in the area, and proposed future recreational facilities within the City would adequately serve future residents of the project site. Additionally, the project developer would be responsible for applicable Development Services Department Impact Fees. Such fees for new residential development within the City go towards facilities such as (but not limited to) parks, public facilities, and schools. Furthermore, the increase of approximately 151 people at the project site is considered nominal, and this growth has been accounted for in the City's General Plan.

In accordance with the City's Municipal Code, Chapter 32D, cumulative projects would be required to either 1) create dedicated park land within or partly within the project site, whose acreage would be determined by the City, 2) dedicate land usable for recreation purposes in addition to paying a portion of the park impact fee, or 3) pay the entire park impact fee. Therefore, it is determined that the project would not result in cumulative impacts to recreation facilities within the City.

6.4.15 Transportation

Future potential development of the project site in addition to cumulative projects in the study area could result in cumulative impacts related to transportation and circulation. The Traffic Impact Analysis prepared for the project analyzed cumulative projects in the study area that

would add traffic to the local circulation system in the near future, in combination with the proposed project. Cumulative impacts considered in the Traffic Impact Analysis included the Ocean Kamp, Mission Flats, and Oceanpointe Multi-Family cumulative projects outlined in Table 6-1 above. Figure 7-1 in Appendix N to this EIR shows the Cumulative Projects only traffic volumes on the existing street network. As analyzed in Chapter 4.15, implementation of the proposed project would not result in any significant impacts to transportation and circulation in the study area.

It is expected that Traffic Impact Analyses would be prepared for cumulative projects consistent with City Guidelines, to fully analyze project-specific impacts on-site and in the study area, and provide mitigation measures, design features, or improvements recommendations to address any potentially significant impacts. Furthermore, all cumulative projects would be required to comply with applicable City regulations related to transportation and circulation, as the project does. Therefore, it is determined that cumulative impacts to transportation as a result of project implementation would be less than significant.

6.4.16 Tribal Cultural Resources

Each cumulative project subject to AB 52 would require tribal consultation on a case-by-case basis to identify any potential TCRs affected by each cumulative project. It is anticipated that each cumulative project would require mitigation similar to that required of the project to reduce potentially significant impacts to TCRs to a level below significance. With implementation of project-specific mitigation and compliance with applicable regulations related to Tribal Cultural Resources, cumulative impacts would be less than significant.

6.4.17 Utilities and Service Systems

As with public services, cumulative impacts to utilities and services systems would result when projects combine to increase demand for utilities and service systems such that additional facilities must be provided or expanded. As with many other environmental issue areas, impacts to utilities may be less than significant at a project level, but when combined with other projects, effects could lead to a cumulative impact. The proposed project, in combination with cumulative projects, would result in an increase in water demand, wastewater generation, and solid waste generation. As discussed in Chapter 4.17, Utilities and Service Systems, the City of Oceanside, as the provider of wastewater facilities, would confirm availability of adequate wastewater treatment capacity, prior to approval of the proposed project. This, in conjunction with provision of any required developer impact fees proportionate to the increase in demand, would minimize impacts to utilities and service systems. Each cumulative project would be required to provide developer impact fees and undergo similar approval at the discretion of the City of Oceanside. As analyzed in Chapter 4.17, implementation of the proposed project would not result in significant impacts related to water or wastewater supply or capacity, nor storm drainage and

solid waste capacity. The proposed development would be adequately served by existing City facilities and would not require expansion of water, wastewater, storm drain or solid waste facilities. Therefore, it is determined that the project would not result in cumulative impacts to utilities and service systems.

6.4.18 Wildfire

The project area, like all of San Diego County, is subject to seasonal weather conditions that can heighten the likelihood of fire ignition and spread. Fire history is an important component of wildfire analysis. Wildfire history information can provide an understanding of fire frequency, fire type, most vulnerable project areas, and significant ignition sources, amongst others. The California Department of Forestry and Fire (CAL FIRE) maintain the Fire and Resource Assessment Program database, which was used to evaluate the project site's fire history to determine whether large fires have occurred in the project area, and thus the likelihood of future fires. Per the recorded fire history database, the site has not been subject to wildfire (CAL FIRE 2021). Recorded wildfire within 5 miles of the project site range from 167 acres (River fire in 2014) to 15,186 acres (Pulgas-Basoline Complex fire in 2014).

The project site is not located within or adjacent to a State Responsibility Area (SRA) or Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone (VHFHSZ) (CAL FIRE 2009). The project site is located within an urbanized and developed area of the City. Although the project site borders the San Luis Rey River corridor, this wildland is not in an area subject to high fire risk. The nearest VHRHSZ is a LRA located approximately 0.3 miles southwest of the proposed project site (CAL FIRE 2009). As discussed in Chapter 4.8, Hazards, the project would not conflict with the regional or city emergency response plans, and the City's Fire Department has determined the site would have adequate emergency access.

Final site plans for the proposed project and all cumulative projects would be subject to review and approval by City Fire, prior to project development. All cumulative projects would be required to assess wildfire risk at the development site and in the surrounding area and provide mitigation as necessary. As the project would not result in significant impacts related to wildfire, cumulative impacts are determined to be less than significant.

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CHAPTER 7
OTHER CEQA CONSIDERATIONS

This chapter includes the following other considerations that are required in an environmental impact report (EIR):

- Growth inducement (Section 7.1)
- Significant and irreversible environmental effects (Section 7.2)
- Significant and unavoidable environmental impacts (Section 7.3)

7.1 GROWTH INDUCEMENT

Section 15126.2(e) of the California Environmental Quality Act (CEQA) Guidelines mandates that the growth-inducing nature of the proposed Cypress Point Project (project) be discussed. This CEQA Guideline states the growth-inducing analysis is intended to address the potential for a project to "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Further, the CEQA Appendix G Checklist (Population and Housing) also mandates that a CEQA document speak to a proposed project's likelihood to induce substantial population growth in an area, either directly (e.g., by proposing new homes or businesses) or indirectly (e.g., through extension of roads or other infrastructure).

A project may be distinguished as either facilitating planned growth or inducing unplanned growth. Facilitating growth is relating to the establishment of direct employment, population, or housing growth that would occur within a project site. Inducing growth is related to lowering or removing barriers to growth or by creating an amenity or facility that attracts new population/economic activity. This section contains a discussion of the growth-inducing factors related to the proposed project as defined under CEQA Guidelines Section 15126.2(e). A project is defined as growth inducing when it directly or indirectly does any of the following:

1. Fosters population growth
2. Fosters economic growth
3. Includes the construction of additional housing in the surrounding environment
4. Removes obstacles to population growth
5. Taxes existing community service facilities, requiring construction of new facilities that could cause significant environmental effects
6. Encourages or facilitates other activities that could significantly affect the environments, either individually or cumulatively

Pursuant to CEQA Guidelines Section 15126.2(e), it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As discussed in Section 4.12, the proposed project would directly facilitate growth through development of 54 residential units, which would introduce new residents or relocate residents within the area. The project's service population is based on City of Oceanside's Housing Element, which estimates an average household size of 2.8 per dwelling unit (City of Oceanside 2013). The project's service population, defined as the number of residents, is 151 people. Construction of the proposed project would generate an economic stimulus from activities such as the use of building materials, employment of construction workers, and the introduction of new or relocated consumer demand in the area. The proposed project would not introduce a population beyond what is planned for the City and the region. The proposed project's contribution towards growth is consistent within the SANDAG growth projections, as well as the City's RHNA goals. The proposed project would construct additional housing at the project site, but that growth is authorized by the City's General Plan and Zoning Code and applicable laws such as the State's Density Bonus provisions. The project would not lead to indirect growth, as the project would not provide for additional infrastructure improvements that would allow for additional unplanned growth in the area. The project does not remove obstacles to growth by extending infrastructure to new areas, nor would it result in significant adverse environmental impacts beyond those analyzed in this EIR due to the expansion of infrastructure such as water supply facilities, wastewater treatment plants, roads or freeways. The project would include utility improvements and extent the existing Pala Road, however these upgrades would only be to the proposed project connection point and would only be upgraded to serve the project. Therefore, the proposed project would not be considered growth inducing. Refer to Section 4.12, Population and Housing, of this EIR for a full discussion of potential growth inducing impacts.

7.2 SIGNIFICANT IRREVERSIBLE EFFECTS

CEQA Guidelines Section 15126.2(d) requires that an EIR identify any significant irreversible environmental changes associated with a proposed project. That section describes irreversible effects as:

> Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. (See Public Resources Code section

21100.1 and Title 14, California Code of Regulations, section 15127 for limitations to applicability of this requirement.)

Per Section 15127, irreversible changes are only required to be addressed in EIRs when connected with the adoption amendment of a local plan, policy or ordinance; adoption by a local agency formation commission of a resolution making determinations, or when the project is subject to National Environmental Policy Act and requires and Environmental Impact Statement. This project does not involve any of those activities and as such this analysis is not required and is appropriately not provided herein.

7.3 SIGNIFICANT AND UNAVOIDABLE IMPACTS

CEQA Guidelines Section 15126.2(b) requires that an EIR describe any significant impacts that cannot be avoided, including those impacts that can be mitigated but not reduced to a less-than-significant level. Chapter 5, Effects Found Not To Be Significant, analyzes and discusses the CEQA topic areas where the project will not have a significant impact. Chapter 4, Environmental Analysis, of this EIR describes the potential environmental impacts of the proposed project, and recommends mitigation measures to reduce impacts, where feasible. As discussed in this EIR, implementation of the proposed project would result in potentially significant impacts to biological resources, cultural resources, geology and soils, ~~noise, transportation,~~ and tribal cultural resources before mitigation. All of these impacts would be reduced to below a level of significance through mitigation. Implementation of the proposed project would not result in any significant and unavoidable impacts.

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CHAPTER 8
ALTERNATIVES

8.1 SCOPE AND PURPOSE

Section 15126.6(a) of the California Environmental Quality Act (CEQA) Guidelines requires that an environmental impact report (EIR) "describe a range of reasonable alternatives to the proposed project, or to the location of the project, that would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant environmental effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project. Instead, the EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (California Public Resources Code, Section 21002.1), the purpose of an EIR's alternatives discussion is to focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if the alternatives would impede to some degree the attainment of the project's objectives or be more costly.

However, an EIR need not consider alternatives that are infeasible. There also is no ironclad rule governing the nature or scope of the alternatives to be discussed in an EIR, other than the "rule of reason." The "rule of reason" governing the range of alternatives specifies that an EIR should only discuss those alternatives necessary to foster meaningful public participation and informed decision making.

The CEQA Guidelines require the EIR to analyze a "No Project" Alternative. CEQA also requires that an EIR identify the environmentally superior alternative from among the evaluated alternatives. If the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives (14 CCR 15126.6(e)(2)).

The Cypress Point Project (proposed project) would not result in any significant and unavoidable impacts. The proposed project would result in potentially significant impacts that would be reduced to a level below significant related to the following: biological resources, cultural resources, geology and soils, and tribal cultural resources. The proposed project would result in no impact or less-than-significant impacts to the following: aesthetics, air quality, agriculture and forestry resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, mineral resources, population and housing, public services, recreation, traffic and circulation, utilities and service systems, and wildfire.

For each of the alternatives identified, this EIR conducts the following assessment:

- Describe the alternative
- Determine if the alternative would meet most of the basic project objectives
- Assess potential feasibility of the alternative
- Determine if the alternative would potentially eliminate or reduce a potentially significant impact of the project

If the alternative meets the above criteria and provides a meaningful CEQA analysis, then the EIR analysis will address the potential impacts of the alternative relative to those potentially significant impacts of the project. An environmentally superior alternative will then be identified based on the alternative's ability to reduce environmental impacts.

Based on the identified potentially significant environmental impacts above, the objectives established for the project (refer to Section 8.2.1, Project Objectives, below), consideration of local plans and zoning designations, and consideration of public input, this EIR evaluates two alternatives to the proposed project:

1. No Project (No Build) Alternative
2. Revised Site Design for Public Pedestrian Access

8.2 CRITERIA FOR SELECTION AND ANALYSIS OF ALTERNATIVES

8.2.1 Project Objectives

Section 15124(b) of the CEQA Guidelines requires that an EIR include a statement of the project objectives that "include the underlying purpose of the project and may discuss the project benefits." The following objectives have been identified for the project:

1. Ensure both visual and functional compatibility with other nearby land uses, development, and natural features.
2. Design buildings, spaces, and uses that enhance and respect the character of the surrounding area, create a sense of neighborhood, and complement the vision for the area.
3. Ensure the vision for site development is economically feasible.
4. Implement State density bonus law, the Surplus Lands Act, and the City's General Plan Housing Element by providing housing for a mix of income levels, including at least 15% of the project's base dwelling units for low-income households on the project site.

5. Provide new market rate and affordable housing on a site that is consistent with the City's General Plan, Zoning Ordinance, Density Bonus Law, and affordable housing objectives, and to help satisfy the City's current and future demand for housing.
6. Develop homes on a site that can be served by existing utilities, services, and street access, within close proximity to public transportation and shopping centers.
7. Design a project that compliments and allows for the City's sewer infrastructure projects to continue and run through the development site.

8.2.2 Feasibility

CEQA Guidelines, Section 15126.6(f)(1), identifies the factors to be taken into account to determine the feasibility of alternatives. The factors include site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and whether the applicant can reasonably acquire, control, or otherwise have access to the alternative site. No one of these factors establishes a fixed limit on the scope of reasonable alternatives. An alternative does not need to be considered if its environmental effects cannot be reasonably ascertained and if implementation of such an alternative is remote or speculative.

It has been recognized that, for purposes of CEQA, "feasibility" encompasses "desirability" to the extent that the latter is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 1001). This balancing is harmonized with CEQA's fundamental recognition that policy considerations may render alternatives impractical or undesirable (California Public Resources Code Section 21081; CEQA Guidelines Section 15126.6[c] and 15364).

8.2.3 Evaluation of Significant Impacts

According to CEQA Guidelines, Section 15126.6(b), the alternatives discussion should focus on those alternatives that, if implemented, could eliminate or reduce any of the significant environmental impacts of the proposed project (impacts to biological resources, cultural resources, geology and soils, and tribal cultural resources). The significant effects of the project impacts are considered to be those that are identified to be potentially significant prior to the incorporation or implementation of any mitigation measures.

8.2.4 Rationale for the Selection of Alternatives

As part of an alternatives analysis, CEQA requires an EIR to address a No Project Alternative. The purpose of describing and analyzing a No Project Alternative is to allow decision makers to

compare the impacts of approving a proposed project with the impacts of not approving the proposed project.

EIRs should also identify any alternatives that were considered by the Lead Agency but rejected, and briefly explain the reasons why the Lead Agency made such a determination. Among the factors that may be used in an EIR to eliminate alternatives from detailed consideration are (i) failure to meet most of the basic project objectives, (ii) infeasibility, and/or (iii) inability to avoid significant environmental impacts.

In accordance with these requirements and based on comments received during the CEQA Notice of Preparation and scoping process for the proposed project, alternatives to the proposed project were considered and analyzed compared to the proposed project. A No Project (No Build) Alternative is considered as the "no project" alternative. Additionally, a Revised Site Design Alternative is considered to allow for public pedestrian access along the eastern boundary of the site.

8.3 ALTERNATIVES CONSIDERED BUT REJECTED

This EIR considered ~~two~~three additional alternatives that are not carried forward for detailed analysis. These alternatives are described below.

8.3.1 Alternative Location

In accordance with CEQA Guidelines 15126.6(f)(2), an EIR may consider an alternative location for the proposed project but is only required to do so if significant project effects would be avoided or substantially lessened by moving the project to another site. As the project impacts are all site specific, this Location Alternative was considered as a potential alternative. The intent would be to locate an alternative site within an urban area of the City zoned for residential use, that would avoid or substantially lessen one or more of the following impacts: biological, cultural, geology and soils, and tribal cultural resources impacts. This Alternative is assumed to include the same components as the project and would require a site similar to the project's 7.3-acre site.

There may be sites within the City of an approximately equivalent size to the project site that could be redeveloped with a residential project; however, the project applicant does not own another site within the City of comparable land area that is available for development of the project. One of the factors for feasibility of an alternative is "whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." The property was sold as surplus land by the City to Concordia Communities, LLC. It is unlikely and speculative to assume the feasibility of assembling another site similar to the proposed project that meets most of the project objectives and avoids or substantially lessens the project's potential

significant impacts. The Alternate Location Alternative was considered but rejected due to feasibility. As an independent basis, the Alternate Location Alternative was considered but rejected due to the project's proposed residential development being consistent with the General Plan, Surplus Lands Act of California, and other applicable land use plans and regulations. As a result of that consistency with the adopted land use policy documents, and this EIR's inclusion of a reasonable range of alternatives, CEQA does not require consideration of an off-site alternative that may not even be feasible to identify let alone acquired.

8.3.2 Reduced Density Alternative

Reducing the proposed density was considered in response to community concerns associated with the number of units proposed to be developed on site. A developer, however, may acquire the right to develop at a specific density under State of California Density Bonus Law (Government Code Section 65915-65918). The State of California's Density Bonus Law was established to promote the construction of affordable housing units and allows projects to exceed the maximum designated density and to use development standard waivers, reductions or incentives and concessions in exchange for providing affordable housing units in compliance with all current density bonus regulations. The City implements these state requirements. The project proposes 54 total single-family homes, which is fewer than the 57 allowed under the density bonus (please refer to Table 3-2 in Chapter 3 of this EIR for a summary of the proposed unit count based on the density bonus).

Additionally, property was sold as surplus land by the City to Concordia Communities, LLC. Under the Surplus Lands Act of California, if a project is developed with 10 or more residences, no fewer than 15% of those residences must be designated as "affordable" as defined by the state. Therefore, under the Surplus Lands Act 15% of the proposed homes, or 8 units, must be affordable, which is one (1) more affordable unit than the 7 required under the density bonus law. The project would designate 8 units to be affordable/low-income units, and the remaining 46 units would be market rate, which complies with both the Surplus Lands Act and Density Bonus Law provisions regarding affordable housing. The homes would all be two stories and would range in size from approximately 1,206 to 1,703 square-feet, and each home would have a front porch, two-car garage, and private outdoor space provided in the rear yard. Given the site's 7.38 acres and the permitted base density of 5.9 units per acre, the project would have an allowed base of 44 units. With approximately 22% of the allowable 27.5% bonus provided in accordance with State Density Bonus law, an additional 10 "bonus density" units are proposed.

With approval of the Density Bonus, the City may not legally require a reduced number of units the applicant is permitted to construct below the 54 single-family units proposed. The reduced density alternative would impede implementation of the State Density Bonus Law and the Surplus Lands Act, and conflict with goals and policies of the City's General Plan Housing Element.

Additionally, without the requested density bonus, the project would not provide affordable housing on-site to help satisfy the City's current and future demand for housing. The reduced density alternative is not a feasible alternative and would not meet most of the project objectives.

8.3.3 Reduced Footprint Alternative

The Reduced Footprint Alternative has been proposed to remove the portion in the northwest corner of the project site from the site plan. Under the proposed project, this northwest corner of the site would be left undeveloped as part of the City's Draft Subarea Plan hardline preserve and to accommodate the existing San Luis Rey Trail located on the property. The preserved area is just under 1 acre in size which contains a 6-foot masonry wall at the development perimeter to protect it from human contact. Under this alternative, the development area would remain the same as the proposed project, but removal of the hardline preserve area from the site plan, and removal of proposed landscaping along the perimeter wall could potentially result in reduced off-site biological impacts.

However, considering the location of the proposed development, the Reduced Footprint Alternative would continue to result in potentially significant impacts to sensitive habitat on- and off-site and nesting/migratory birds. While this alternative would result in impacts to these biological resources, off-site impacts would be potentially lessened considering the reduced disturbances. While this alternative could potentially reduce off-site impacts to sensitive habitat, this area would remain undeveloped under the proposed project, and this alternative would result in the similar impacts to on-site biological resources. Therefore, this alternative would result in similar biological resource impacts compared to the proposed project.

Similarly, since the development area that would be graded would remain as proposed, the potential to impact unknown subsurface cultural, tribal cultural, and paleontological resources would remain the same as the proposed project.

The Reduced Footprint Alternative would likely impede the requested density bonus, as a result of the reduced acreage, which would impact the amount of affordable housing on-site. The Therefore, the Reduced Footprint alternative would not be a feasible alternative, although it would meet some of the project objectives.

8.4 ALTERNATIVES UNDER CONSIDERATION

8.4.1 No Project (No Build) Alternative

8.4.1.1 Alternative Description

Under the No Project (No Build) Alternative, the proposed project and associated improvements would not be implemented, and the project site would remain undeveloped. However, this no project/no build alternative does not preclude future development on site, as residential uses would still be allowed under the current land use designation for the site.

8.4.1.2 Comparison of Significant Effects

Biological Resources

No significant impacts to sensitive biological resources would occur under this alternative. The project site is currently undeveloped but previously disturbed, and supports four vegetation/habitat types, including southern willow scrub, non-native grassland, disturbed habitat and urban/developed land. Potentially significant impacts to existing non-native grasslands, sensitive habitat outside the proposed project footprint, and nesting and migratory birds, would not occur under this alternative; however, it may not be conserved. Nevertheless, this alternative would avoid biological resource impacts of the proposed project.

Cultural Resources

This alternative would not require any excavation or grading; therefore, this alternative would not encounter known and unknown potentially significant archaeological resources. Therefore, this alternative would avoid cultural resource impacts of the proposed project.

Geology and Soils

No grading would occur under this alternative; therefore, there would be no potential impact to paleontological resources. Therefore, this alternative would avoid geology and soils (paleontological resource) impacts of the proposed project.

Tribal Cultural Resources

No construction or development would occur on site under this alternative. Therefore, this alternative does not have the potential to affect Tribal Cultural Resources (TCRs). Therefore, this alternative would avoid TCR impacts of the proposed project.

8.4.1.3 Relation to Project Objectives

This alternative would not meet any of the project objectives.

8.4.2 Revised Site Design for Public Pedestrian Access Alternative

8.4.2.1 Alternative Description

Under the Revised Site Design for Public Pedestrian Access Alternative (Revised Site Design Alternative), the site plan would be slightly revised to include public connection from the proposed sidewalk improvements on Aspen Street to a decomposed granite path that winds through a landscaped area along the eastern edge of the project from Pala Road at the south up to a DG access easement driveway on the northeastern corner of the project site. This path would be open to the public, leading up to the north to a 13-acre open space site. All development under the proposed project would remain the same under this alternative.

8.4.2.2 Comparison of Significant Effects

Biological Resources

The Revised Site Design Alternative would be located within the same site as the proposed project, and the disturbance area would remain the same. This alternative would continue to result in potentially significant impacts to biological resources, and under this alternative more people would access the site as it would turn the private path into a public path. Therefore, this alternative would result in similar biological resource impacts compared to the proposed project.

Cultural Resources

The Revised Site Design Alternative would be located within the same site as the proposed project, and the disturbance and grading area would remain the same as proposed. This alternative would continue to result in potentially significant impacts to cultural resources. Therefore, this alternative would result in similar cultural resource impacts compared to the proposed project.

Geology and Soils

The Revised Site Design Alternative would be located within the same site as the proposed project, and the disturbance and grading area would remain the same as proposed. Similar to cultural resources, this alternative would continue to result in potentially significant impacts to paleontological resources. Therefore, this alternative would result in similar geology and soils (paleontological resource) impacts compared to the proposed project.

Tribal Cultural Resources

Similar to cultural resources, this alternative would continue to result in potentially significant impacts to tribal cultural resources as the disturbance and grading area would remain as proposed. Therefore, this alternative would result in similar tribal cultural resource impacts compared to the proposed project.

8.4.2.3 Relation to Project Objectives

The Revised Site Design for Public Pedestrian Access Alternative would meet all the project Objectives. However, during the scoping meetings held for the project, feedback was gathered from neighbors in the adjacent residential development to the east that a public path along the eastern boundary of the site would further reduce privacy and increase noise along their fence line. Therefore, this alternative could conflict with objective number 1, compatibility with other nearby land uses.

8.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Table 8-1 outlines the comparative impacts between each alternative and the proposed project. The No Project (No Build) Alternative would result in the least environmental impacts in comparison to the project; however, it would not meet any of the project objectives, and there is no certainty that the project site would remain undeveloped in perpetuity. Nevertheless, because the No Project (No Build) Alternative would reduce all potentially significant impacts to biological resources, cultural resources, geology and soils, and tribal cultural resources, it would be the environmentally superior alternative. However, CEQA Guidelines, Section 15126.6(e)(2), states that if the environmentally superior alternative is the "no project" alternative, the EIR also must identify an environmentally superior alternative among the other alternatives. However, after consideration of the alternatives identified to reduce potential environmental impacts compared to the proposed project, none of the other alternatives identified are environmentally superior to the proposed project as they would result in the same or similar impacts to that of the proposed project. In such a circumstance, it is sufficient that the EIR explain the environmental advantages and disadvantages of each alternative, as is done above.

Table 8-1
Comparative Summary of Alternatives Under Consideration and Proposed Project

Alternative	Impacts			
	Biological Resources	*Cultural Resources*	*Geology and Soils*	*Tribal Cultural Resources*
No Project (No Build)	Less	Less	Less	Less
Revised Site Design	Same	Same	Same	Same

Notes:
"Less" = reduced impact relative to the project
"Same" = similar impact relative to the project
"More" = greater impact relative to the project

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CHAPTER 9
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