

6 Sustainable Communities Environmental Impact Analysis

6.1 Aesthetics

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The following analysis uses information provided in the Ocean Creek Design Plan submittal (February 2022) prepared by Architecture Design Collaborative and a photographic inventories of the site conducted by Dudek in March 2021 and April 2022. In addition, three photographic simulations (photosimulations) of the proposed Ocean Creek Mixed Use Project (project) were prepared from viewpoints in the immediate surrounding area to depict anticipated visual change associated with implementation of the project and more specifically, the development of proposed buildings and site improvements and installation of site landscaping. Photosimulations of the project were prepared from representative public vantage points/Key Observation Points (i.e., northbound Crouch Street and eastbound South Oceanside Boulevard) near the project site and provide before and after views of project development as anticipated to be experienced by the public. A map of the three key observation points (KOPs) and their proximity to the project site is included as Figure 6.1-1, KOPs, and exhibits comprised of existing views and photosimulations of the project as experienced from the KOPs are presented as Figures 6.1-2 and 6.1-3.

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

No Impact. Neither the City’s General Plan nor the Zoning Ordinance (or any other planning document) identifies scenic vistas. However, the General Plan (specifically, the Environmental Resource Management

Element) identifies the Pacific Ocean and other visual open space within the City that are currently dedicated or restricted “in some manner” to ensure their preservation (City of Oceanside 2002). The Local Coastal Program Land Use Plan identifies the Pacific Ocean, San Luis Rey River, Oceanside Harbor, and Buena Vista Lagoon as important natural aesthetic resources and states that while there are no developed vista points in the City of Oceanside (City), coastal locations including the Oceanside Pier and bluff promenade along Pacific Street “seem to meet the purpose” of a vista point (City of Oceanside 1985).

The project site is not included on the City’s list of visual open space or natural aesthetic resources and proposed development of the site would not obstruct, impair, or otherwise degrade existing available views to identified visual open space. The nearest visual open space to the project site, the Pacific Ocean, is approximately 1.3 miles to the west. As the existing condition photographs at Figures 6.1-2 and 6.1-3 demonstrate, the Pacific Ocean is not visible from the site or from a public road in the immediate vicinity (including Crouch Street, which also provides views of/to the project site). Further, according to the City’s Local Coastal Program Land Use Plan, public roads near the project site are not identified as de facto vista points to the City’s natural aesthetic resources. Since the City does not identify scenic vistas and the project site is not designated by the City as visual open space or an important natural aesthetic resource, and the existing conditions photographs demonstrate that the project will not have a substantial adverse effect on a City designated natural aesthetic resource or visual open space like the Pacific Ocean, development of the project site with three- to four-story mixed use and residential buildings, associated site improvements, and landscaping would not have a substantial adverse effect on a scenic vista. **No impact** would occur.

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

No Impact. No rock outcroppings or historic buildings are located on the project site and project development would not require the removal of protected trees. Project development would only result in impacts to non-sensitive eucalyptus woodlands. Therefore, the project site does not support the scenic resources addressed in this significance threshold and construction and operation of the project would not result in substantial damage to scenic resources.

There are no designated scenic highways in the project site vicinity (City of Oceanside 2016). The nearest eligible state scenic highway (Interstate 5) is located approximately 0.40 miles west of the project site (City of Oceanside 2002). The presence of intervening terrain, development, and vegetation block the project site from view of northbound Interstate 5 motorists. Southbound Interstate 5 motorists are provided only a very brief peripheral and partially obstructed views towards the project site over an approximate traveled distance of 250 feet (which is approximately 3 seconds for a vehicle traveling at 65 mph). However, even if the project site were visible as discussed in the prior paragraph, no impacts would occur as the project would not substantially damage any scenic resources.

Because the site does not support or contain designated scenic resources and the project would not substantially damage any scenic resources within a designated state scenic highway, development of the site would not result in substantial damage to scenic resources. Thus, **no impact** would occur.

- c. ***For a project in a non-urbanized area, would it 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.) For a project in an urbanized area, would it conflict with applicable zoning and other regulations governing scenic quality?***

Less-than-Significant Impact. The project site is located in an urbanized area, bordered by commercial uses to the west, Loma Alta Creek, a passenger rail corridor and the urbanized Oceanside Boulevard corridor to the north, Crouch Street and vacant, previously disturbed land to the east, and a previously disturbed slope and residential uses to the south. A north-south drainage ditch is centrally located on the project site and an electrical distribution line supported by wood poles parallels this feature. As stated earlier, the project site is currently vacant and has been subject to previous disturbance from grading activities

City of Oceanside General Plan

The project site is in an urbanized area and would not conflict with applicable zoning and regulations that govern scenic quality as discussed in detail in Table 6.1-1 and under the City of Oceanside Zoning Ordinance heading. Because the project would not conflict with applicable zoning and other regulations governing scenic quality, this impact would be less than significant.

Table 6.1-1. Project Consistency with Applicable Objectives and Policies of the General Plan

Objective/Policy ^a	Project Consistency
Environmental Resource Management Element	
<p>Recreational and Scenic Area Objective: Encourage the preservation of significant visual open spaces when such preservation is in the best interest of the public health, safety and welfare.”</p>	<p>Consistent. The project site is designated for urban development and does not support/contain visual open space identified in Table ERM-2, Existing Open Space, of the City’s General Plan Environmental Resources Management Element. Therefore, the project is consistent with this objective of encouraging the preservation of significant visual open spaces. Also, as demonstrated in Sections 6.1(a), 6.1(b), and 6.1(c), the project would not result in substantial adverse impacts to aesthetic resources as defined by the applicable CEQA thresholds of significance.</p>
Land Use Element	
<p>Site Design Objective. To provide high-quality site design, all proposed land development projects shall take advantage of natural or man-made environments to maximize energy conservation, natural air circulation, public safety, visual aesthetics, private and common open space, privacy, and land use compatibility.</p>	<p>Consistent. As proposed, impacts to visual aesthetics are minimized by siting the project on a previously disturbed and graded location lacking significant scenic resources within an urbanized setting. Impacts to visual aesthetics are further minimized by the project’s location along an established commercial corridor (thereby minimizing linear disturbances associated with extension of roads and utilities).</p> <p>In regard to maximization of energy conservation, neutral tones of gray and white would be incorporated into building exteriors and combined with solid metal awnings hung over residential windows, would aid in the minimization of solar heat gain (and related cooling costs associated with interior spaces). In addition, the site plan includes the potential for solar covered carports to generate electricity for onsite use such as for evening/nighttime lighting of</p>

Table 6.1-1. Project Consistency with Applicable Objectives and Policies of the General Plan

Objective/Policy ^a	Project Consistency
	<p>common space. The project site is also located in an urban, coastal environmental and as such, ocean breezes would help to moderate temperatures in the interior of structures. The site’s proximity to an established commercial corridor, two ingress/egress points, and extension of S. Oceanside Boulevard along the project frontage would enhance first responders access to the site and the installation of gates at project entrances is intended to deter unauthorized project access. The project incorporates open space amenities available to future residents including small gathering areas, benches and seating, shaded areas, a dog park, nature trail, and courtyard with a pool, spa, barbecue, shaded lounge area, and gaming tables. Private open space would be provided in the form of patios and balconies at individual residential units. Lastly, the proposed project complies with the City’s Zoning Ordinance and would be compatible with surrounding development , including through the lends of site coverage, building height and massing, building materials and color, landscaping, and site grading.</p>
<p>Site Design Policy A. The placement of all proposed structural components, landscaping, accessways, etc. shall be oriented on the site in such a manner to maximize:</p> <p>3) The quality of views and vistas from the site to the surrounding environment; and</p> <p>4) The quality of views and vistas of the site from surrounding land uses.</p>	<p>Consistent. Vistas are not available from the project site due to the presence of higher elevation terrain (i.e., slopes) to the immediate south and to the north (i.e., north of Oceanside Boulevard). In addition, the presence of existing development and elevated terrain to the west of the project site (and west of I-5) blocks potential views to the Pacific Ocean from the project site and nearby roads including Crouch Street. Existing views from the project site consist of disturbed hillsides to the south and north (i.e., north of Oceanside Boulevard and adjacent commercial uses) and urban uses along the Oceanside Boulevard corridor. As such, the quality of existing views and vistas from the site to the surrounding environment is low and typical of urban environments.</p> <p>Vistas are available at higher elevation lands to the south and north of the project site; however, since the previously graded and disturbed project site is a relatively flat property in an urbanized area that is not designated by the City as visual open space or an important natural aesthetic resource, the project will not have an adverse effect on the quality of views and vistas from surrounding land uses..</p> <p>As further support for the above analysis, photosimulations of the project were prepared from three representative public vantage points in the surrounding area. The photosimulations depict the anticipated visual change resulting from site development as experienced from surrounding land uses.</p> <p>As experienced from northbound Crouch Street, implementation of the project would introduce buildings, landscaping and other urban uses to the existing, disturbed project site as contemplated by the General Plan and zoning. See Figure 6.1-2, Key Observation Point 1. Specifically, tall trees in rear parking lot would complement the project buildings and the incorporation of</p>

Table 6.1-1. Project Consistency with Applicable Objectives and Policies of the General Plan

Objective/Policy ^a	Project Consistency
	<p>varying building planes and projections, and architectural treatments would add visual interest. Lastly and given the currently undeveloped and previously disturbed condition, development of the site into a mixed use project that conforms to the applicable regulatory requirements and is consistent with the surrounding urban nature of the area would improve the current quality of the view to the site.</p> <p>In addition to Crouch Street, a Key Observation Point was established on South Oceanside Boulevard. See Figure 6.1-3, Key Observation 2. The introduction of 3- to 4-story mixed use buildings would be apparent from KOP 2 and new buildings would interrupt views from those KOPs of the existing disturbed project site and to the vegetated, hillsides with existing residential development at the top that exists to the south of the project development area (see Figure 2-2, Existing Conditions). However, as the photosimulations, architectural renderings and other project plans demonstrate, from KOP 2 the project will develop the site into an attractive and visually cohesive mixed use project that conforms to the applicable regulatory requirements and is consistent with the planned land uses for the project site and surrounding urban nature of the area that would improve the current quality of the view to the project site.</p>
<p>Site Design, 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.</p>	<p>Consistent. As depicted in the design plans, landscaping would be installed throughout the site including parallel to the south side of proposed South Oceanside Boulevard extension that would traverse the northern portion of the project site from east to west. In addition to 36-inch box trees that would be strategically placed, shrubs and groundcover would be installed to soften the nearest buildings and frame the entrances to the project site. At the project site’s main entrance, dense groupings of palm trees and scattered shrubs would be planted and enhanced paving would be installed to instill a sense of arrival. These features would be accented with large date palms and 24-inch box western redbud trees. The majority of trees, shrubs, sedges, grasses, and groundcover included in the project landscape plan are climate appropriate and have low or very low water requirements.</p>
<p>Site Design, Landscaping Policy C. Drought-tolerant materials, including native California plant species, shall be encouraged as a landscape type.</p>	<p>Consistent. Drought-tolerant species (including California natives) are included in the landscape plan.</p>
<p>Site Design, Architecture Objective. The architectural quality of all proposed project shall enhance neighborhood and community values and City image.</p>	<p>Consistent. The proposed mixed-use development consists of five, tuck-under style buildings that would integrate quality materials and treatments to create a cohesive built environment. Development of the previously graded, vacant site lacking designated scenic resources with an architecturally attractive and visually cohesive mixed-use project that conforms to the applicable regulatory requirements would enhance</p>

Table 6.1-1. Project Consistency with Applicable Objectives and Policies of the General Plan

Objective/Policy ^a	Project Consistency
	<p>neighborhood and community values (and neighborhood image). In addition and due to the site being located off an established commercial corridor, proposed development of the site with modern, architecturally consistent buildings featuring quality materials, landscaping and other project improvements would enhance the overall image of the City.</p>
<p>Site Design, Architecture Policy A. Architectural form, treatments, and materials shall serve to significantly improve on the visual image of the neighborhood.</p>	<p>Consistent. See discussion for Architectural Objective, above. In addition to strip malls, drive-thru establishments, sit down restaurants, and a grocery store, the surrounding Oceanside Boulevard area includes limited, aged, and vacant multi-story development. Specifically, Oceanside Office Park is located to the immediate west of the project site. Comprised of two similar two-story tan stucco-clad buildings with rectangular floor plans and repeating window expanses, and two-similar pyramidal, three-story tan-stucco clad buildings, the aged and vacant multi-story development is bordered by unmaintained site landscaping and channelized Loma Alta Creek to the west and north (i.e., north of South Oceanside Boulevard) and a eucalyptus grove and hilly terrain to the south. The architectural form, treatments and materials included in the design plans for the project would modernize the area and significantly improve upon the existing visual quality of the Oceanside Boulevard corridor that is heavily influenced by strip commercial development.</p>
<p>Site Design, Architecture Policy B. Structures shall work in harmony with landscaping and adjacent urban and/or topographic form to create an attractive line, dimension, scale, and/or pattern.</p>	<p>Consistent. See Site Design, Landscaping Objective, discussion above for insight into the intent of proposed landscaping. The project site abuts a relatively steep, vegetated slope to the south and rectangular, two to three-story office buildings to the west. Development to the immediate north (i.e., north and south of Oceanside Boulevard) generally consists of single-story buildings ranging from approximately 4,000-square-foot structures to approximately 35,000-square-foot multi-tenant buildings, and taller, two-story medical office buildings are constructed along Crouch Street, approximately 580 feet north of the project site. Single- and two-story residences are located to the south atop elevated terrain overlooking the project site.</p> <p>The construction of three- and four-story buildings displaying generally cool exterior colors and blue-green accents against the backdrop of a vegetated slope would work in harmony with the existing landscaping and adjacent urban uses. The incorporation of a climate appropriate plant palette that would include large box trees and accent shrubs and groundcovers, in conjunction with the project’s contemporary architecture and modern, mixed use improvements would create an interesting and attractive scale, dimension and pattern of development along the Oceanside Boulevard corridor.</p>

City of Oceanside Zoning Ordinance

The project site is located on lands zoned for commercial use (CC – Community Commercial). According to Article 11, Section 1110 of the City Zoning Ordinance, the CC zone provides opportunities for the full range of retail and service businesses deemed suitable for location in Oceanside. The zoning ordinance allows a maximum height of up to 50 feet in the CC zone. According to design plans prepared for the project, proposed buildings would be less than 50 feet high (specifically, 49 feet and 8 inches) and would, therefore, be consistent with the maximum permitted height in the base zone. In addition to compliance with the zoning height regulations, the project would be required to conform to applicable fence and walls, screening of mechanical equipment, and urban forestry development standards applicable to development in the CC zone. Regarding urban forestry development standards, the project (by virtue of being located within the CC zone and over 1 acre in size) includes a detailed landscape plan with a climate-appropriate plant palette consisting of large box trees, complimentary shrubs, and groundcovers including a hydroseeded coastal sage scrub mix along the site’s shared boundary with the adjacent vegetated slope. In addition to large trees, the project’s frontage of Crouch Street and S. Oceanside Boulevard would feature a riparian corridor themed planted area, which is intended to enhance the existing landscape character of the site and promote visual connectivity with the nearby Alta Loma Creek corridor. The project would also conform to applicable glare and outdoor lighting performance standards established in Section 3024(D), Glare.

As the project would be conditioned to comply with relevant development standards of the Zoning Ordinance and development would comply with the maximum permitted height, setbacks, and open space requirements of the base CC zone, the project would not result in any zoning ordinance conflicts that would lead to significant scenic quality impacts, and therefore impacts would be **less than significant**.

Aesthetic impacts would be less than significant based upon the project-specific analysis. Nonetheless, the project will be consistent with Mitigation Measure AES-2B from the Regional Transportation Plan/Sustainable Communities Strategy Final Environmental Impact Report. As contemplated by that measure, the proposed project would comply with the City’s Zoning Ordinance as explained above, which would ensure that it would be “with surrounding natural areas, including site coverage, building height and massing, building materials and color, landscaping, and site grading.” Further, the proposed project would include restoration and enhancement along the north side of the project site, between Loma Alta Creek and S. Oceanside Boulevard that would include landscaping that “blends in and complements the natural landscape.” There are not trees or other scenic resources existing on the project site that the project would impact; however, trees would be planted as part of the proposed project. The project site was previously grading and is an existing, flat pad; thus, the proposed project would maintain the existing landform and topography of the project site. Lastly, the project would restore temporary impacts to the areas along Crouch Street required for slope stabilization. These would be considered “impact neutral” (see Section 6.4, Biological Resources) because the same habitat would be restored following temporary construction impacts.

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

Less-than-Significant Impact. Artificial light impacts are largely a function of proximity. The project site is situated near the boundary of commercial and residential land uses, so that light emanating from any one source contributes to lighting impacts rather than being solely responsible for lighting impacts on a particular use. Except for the project site, the project area, and more specifically the Oceanside Boulevard corridor, is developed and well-lit. Specifically, the corridor features moderate to high levels of ambient

nighttime lighting, including street lighting, vehicle headlights, architectural and security lighting, and indoor building illumination (light emanating from structures which passes through windows). As uses surrounding the project site are already impacted by lighting from existing development within the area, the amount of new light sources must be highly visible from light-sensitive uses to have any notable effect.

Per Section 6.25 of the City's Municipal Code, construction activities are prohibited between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday. Construction activities are prohibited on Sundays and all federal holidays. Therefore, construction would occur primarily during daylight hours, and construction lighting would only be used for the duration needed if construction were to occur during evening hours. Construction related lighting, if any, would be of limited duration, shaded to limit light spill as required by City codes and not create a new source of substantial light which would adversely affect nighttime views in the area.

The project is in a built-up area where night lighting is a common feature. Light sources in the area include streetlights, building lighting, security lighting, and sidewalk lighting. Outdoor project lighting would be utilized as needed for parking areas, sidewalks, common areas, entryways, plazas, outdoor seating areas, and security within the project site. Lighting would be placed along the vehicular surfaces, along the walkways and within the pool/recreation area, on walls of buildings, along the fitness loop (potentially), and in parking lots. As required by Chapter 39 of the Municipal Code, lighting of the parking area (and more generally, areas illuminated by overhead lighting sources) would be properly shielded to prevent glare on any adjacent property. All outdoor lighting would be required to comply with Chapter 39 of the City Municipal Code, Light Pollution Regulations, which provides requirements to restrict the permitted use of certain light fixtures emitting into the night sky undesirable light rays which have a detrimental effect on astronomical observation and research. As a project design feature and in accordance with Chapter 39 of the Municipal Code, buildings and parking areas would include lighting designed to minimize light pollution and preserve dark skies, while enhancing safety, security, and functionality. Furthermore, the nearest residential land uses (i.e., homes on Rue De La Montagne) are located over 250 feet to the south of and nearly 100 feet higher in elevation than the project site). As indicated in the project's Biological Technical Report (see Appendix B), temporary project construction lighting would be directed downward and away from the open space easement (i.e., native vegetation areas/slopes to the south of the proposed development) where wildlife occurs in more abundance. Mitigation Measure (MM) BIO-4(g) is provided and requires periodic monitoring of the construction site to ensure that security light fixtures are shielded and directed away from open space. Directing construction lighting away from the open space easement would also effectively direct light away from the nearest residential land uses. Permanent lighting sources along the development's southern boundary (primarily parking lot lighting) would also be directed downward and away from the nearby open space easement. Therefore, through compliance with the municipal code light pollution regulations and by directing shielded construction lighting away from the open space easement consistent with MM-BIO-4 and residential land uses, proposed project lighting would not create a new source of substantial light which would adversely affect nighttime views in the area.

The proposed project would not include large walls or expanses of glass or other highly reflective materials that would result in glare that would adversely affect views towards and across the site during daytime hours. Further, the development's landscape plan includes large box trees along the periphery of the site which could further minimize the potential for glare generated by building materials that would adversely affect views towards and across the site.

The project would not create a new source of substantial light or glare that would adversely affect day or nighttime views, and therefore the impacts would be **less than significant**.

e. Cumulative Impacts

Less-than-Significant Impact. The project site is not included on the City's list of visual open space or natural aesthetic resources and proposed development of the site would not obstruct, impair, or otherwise degrade existing available views to designated scenic vistas. Therefore, project impacts would not be cumulatively considerable and cumulative scenic impacts would be less than significant.

The project site lacks significant scenic resources including rock outcroppings and historic buildings visible from a designated scenic highway. While construction of the project would require the removal of eucalyptus trees, eucalyptus woodlands that are not considered sensitive or scenic by the City would not result in damage to scenic resources. Therefore, the project would not combine with other development proposals considered in the cumulative scenario and damage scenic resources. Therefore, cumulative impacts to scenic resources within a state scenic highway would be less than significant.

Similar to the project, new development would be required to comply with applicable design standard associated with base zoning and with relevant General Plan objectives, goals, and policies associated with preservation of scenic quality and provision of high quality design. Therefore, similar to the project and in areas lacking cohesive architecture and a clear unifying theme, new development would improve both the visual quality of the site and the visual quality of the surrounding area. As proposed, development of the project would transform a rough graded site into a modern, attractive, and visually cohesive mixed use project that conforms to the applicable regulatory requirements and is consistent with the surrounding urban setting. New development subject to discretionary approval would also conform to the City's design standards, and it is therefore anticipated that new development would incorporate quality materials, would be visually compatible with existing development on adjacent and nearby properties, and would not conflict with applicable zoning and other regulations governing scenic quality. Accordingly, as the related projects and the project would not conflict with applicable zoning and other regulations governing scenic quality, the project's contribution to an adverse impact would not be cumulatively considerable and cumulative impacts would be less than significant.

Light and glare sources associated with cumulative projects would be consistent with light and glare sources typical of an urban environment which is generally characterized by high ambient light levels. Because lighting, including illuminated signage and outdoor lighting, would be subject to regulations contained within Chapter 39 of the City Municipal Code, Light Pollution Regulations, compliance would ensure that lighting impacts associated with the project and related projects would not significantly impact sensitive uses. Accordingly, the project's contribution to light and glare impacts would not be cumulatively considerable and cumulative impacts would be less than significant.

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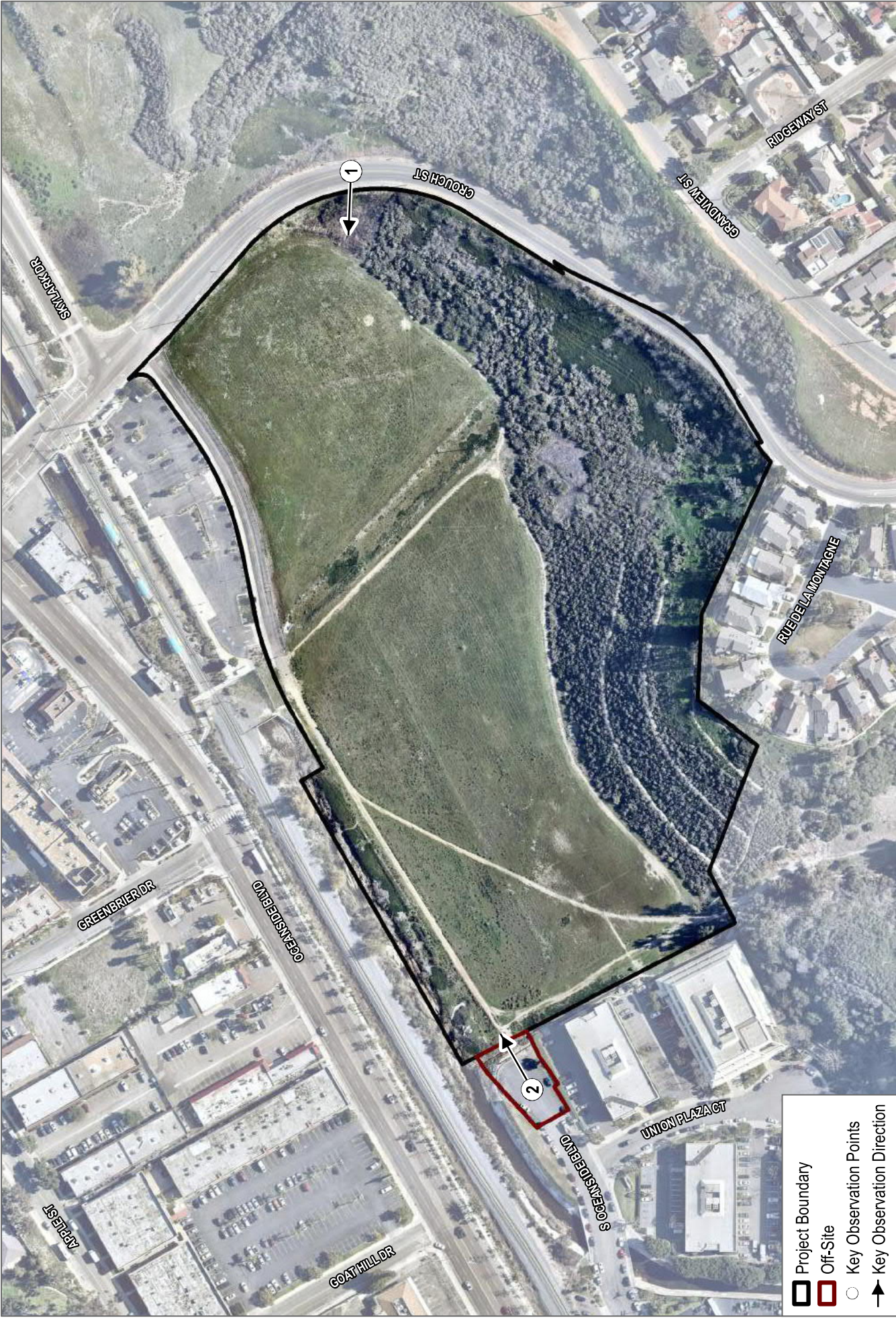


FIGURE 6.1-1
Key Observation Points
 Ocean Creek Mixed Use Apartments

SOURCE: SANGIS 2020, 2021



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Existing view from northbound Crouch Street to the northwest



Visual simulation of the Project

SOURCE: DUDEK

FIGURE 6.1-2

Key Observation Point 1: Crouch Street

Ocean Creek Mixed Use Apartments

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Existing view from eastbound S Oceanside Boulevard at Project Boundary



Visual simulation of the Project

SOURCE: DUDEK

FIGURE 6.1-3

Key Observation Point 2: South Oceanside Boulevard

Ocean Creek Mixed Use Apartments

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6.2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>II. AGRICULTURE AND FORESTRY RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?*

No Impact. The proposed Ocean Creek Mixed Use Project (project) site and surrounding area does not include, and is not adjacent to, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on Figure 6.2-1, Farmland Mapping and Monitoring Program Maps (DOC 2019). The project site is located within an area classified as Urban and Built-up Land on the Department of Conservation Farmland Mapping and Monitoring Program maps as shown in Figure 6.2-1. As such, the proposed project would not 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 nonagricultural use. Therefore, the proposed project would have **no impact** as it would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

Because the project site is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, it is not required to comply with the mitigation measures in the San Diego Association of Governments (SANDAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Final Environmental Impact Report (EIR) related to those issues. Specifically, measures AG-1A and AG-1B do not apply to the proposed project and these measures are not required to be incorporated into the project design or mitigation measures.

b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

No Impact. The proposed project site is zoned CC (Community Commercial) and Open Space and is not zoned for agricultural use (see Section 2, Project Description, Figure 2-3). As described under Section 6.2(a), above, the site is designated as Urban and Built-Up Land (DOC 2019). In addition, the site is not subject to a Williamson Act contract (DOC 2019). Therefore, because the project site is not zoned for agricultural use and is not subject to a Williamson Act contract, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract. The proposed project would have **no impact** as it does not conflict with existing zoning for agricultural use or a Williamson Act contract.

Because the project site is not zoned for agricultural use or subject to a Williamson Act contract, it is not required to comply with the mitigation measures in the SANDAG RTP/SCS Final EIR related to those issues. Specifically, measures AG-1A and AG-1B do not apply to the proposed project and these measures are not required to be incorporated into the project design or mitigation measures.

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))?*

No Impact. The proposed project site is zoned CC and Open Space and is not zoned for forest land, timberland, or timberland production uses (see Section 2, Figure 2-3). 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 comprised of previously disturbed areas and natural and manufactured open space and is surrounded by residential and commercial uses in an urban area that has no forest or timberland zoning. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland or timberland zoned Timberland Production as those terms are defined by the significance threshold. The proposed project would have **no impact** as it does not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

Because the project site is not considered forest land or timberland, it is not required to comply with the mitigation measures in the SANDAG RTP/SCS Final EIR related to those issues. Specifically, measure FR-1A does not apply to the proposed project and this measure is not required to be incorporated into the project design or mitigation measures.

d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

No Impact. See Section 6.2(c) above. The project site is comprised of previously disturbed areas and natural and manufactured open space. No forest land exists on or in the vicinity of the project site, and project implementation would not result in the loss or conversion of forest land to non-forest use. Because the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use, the proposed project would have **no impact**.

Because the project site is not considered forest land or timberland, nor does forest land exist in the project vicinity, the project is not required to comply with the mitigation measures in the SANDAG RTP/SCS Final EIR related to those issues. Specifically, measure FR-1A does not apply to the proposed project and this measure is not required to be incorporated into the project design or mitigation measures.

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?*

No Impact. See Sections 6.2(a) through 2(d) above. Further, off-site improvements are limited to improvements to S. Oceanside Boulevard and Crouch Street, the impacts of which have been analyzed herein, and neither of which could result in conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use. Because no agricultural farmland or forest land resources are located on or in the vicinity of the site, and because 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**.

Because the project site would have no impact with respect to conversion of Farmland or forest land, it is not required to comply with the mitigation measures in the SANDAG RTP/SCS Final EIR related to those issues. Specifically, measure FR-1A does not apply to the proposed project and this measure is not required to be incorporated into the project design or mitigation measures.

f) *Cumulative Impacts*

No Impact. Similar to the proposed project, most of the related projects are also located within a developed, urbanized area of the City generally zoned for commercial and residential uses and these project sites do not support existing farming, agricultural or forest-related operations. Because the project site does not contain or support any farmland, and because the proposed 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 project would not contribute to any cumulative loss of agricultural and forest land resources. Therefore, development of the proposed project would not result in a cumulatively considerable contribution to an impact to agricultural and forestry resources.

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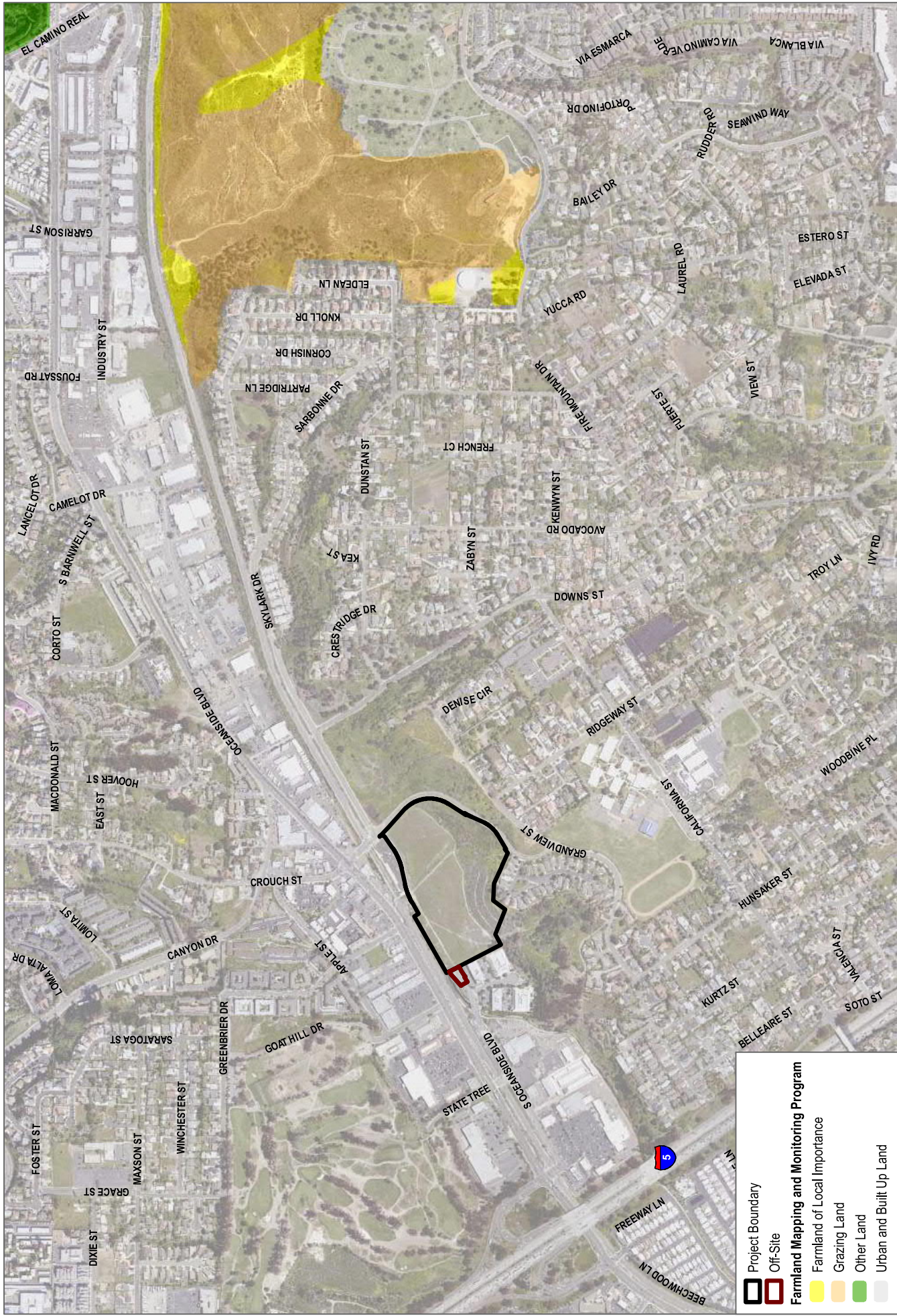


FIGURE 6.2-1
Farmland Mapping and Monitoring Program (FMMP) Designations

Ocean Creek Mixed Use Apartments

SOURCE: Fuscoe 2022; CA Dept Conservation; SANGIS 2020, 2022



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6.3 Air Quality

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The following analysis utilizes information provided in the Air Quality Assessment for the Ocean Creek Project, City of Oceanside, California, prepared by Ldn Consulting Inc. and dated March 2022, included as Appendix A in this Sustainable Communities Environmental Assessment.

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

Less-than-Significant Impact. The San Diego Air Pollution Control District (SDAPCD) regulates sources of air pollution within the County of San Diego. Criteria pollutants are measured continuously throughout the San Diego Air Basin. These data are used to track ambient air quality patterns throughout the County of San Diego and to determine attainment status when compared to the National Ambient Air Quality Standards and California Ambient Air Quality Standards (CAAQS). As shown in Table 6.3-1, San Diego is in “non-attainment” status for federal and state ozone (O₃) and state particulate matter with a diameter less than or equal to 10 microns (PM₁₀) and particulate matter with a diameter less than or equal to 2.5 microns (PM_{2.5}).

Table 6.3-1. San Diego Air Basin Attainment Status by Pollutant

Criteria Pollutant	Federal Designation	State Designation
Ozone (8-Hour)	Nonattainment	Nonattainment
Ozone (1-Hour)	Attainment*	Nonattainment
Carbon Monoxide	Attainment	Attainment
PM10	Unclassifiable**	Nonattainment
PM2.5	Attainment	Nonattainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
Lead	Attainment	Attainment

Table 6.3-1. San Diego Air Basin Attainment Status by Pollutant

Criteria Pollutant	Federal Designation	State Designation
Sulfates	No Federal Standard	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility	No Federal Standard	Unclassified

Source: SDAPCD 2019.

Notes:

- * The federal 1-hour standard of 12 parts per hundred million 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.
- ** At the time of designation, if the available data does not support a designation of attainment or nonattainment, the area is designated as unclassifiable.

Therefore, the SDAPCD developed a Regional Air Quality Strategy (RAQS) to provide control measures to try to achieve attainment status for state O₃ standards with control measures focused on volatile organic compounds (VOCs) and oxides of nitrogen. 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 cumulative impacts.

According to the latest SANDAG Series 14 Regional Growth Forecast, the City is estimated to increase the number of housing units by 7,102 units (SANDAG 2021). The project would construct 295 dwelling units, or roughly 4% of the units projected by SANDAG. As described in Section 6.14, Population and Housing, the proposed project is consistent with the Regional Growth Forecast.

The current zoning for this project site is Community Commercial, which permits Mixed Use Development Plans at densities up to 29 dwelling units per acre through a Conditional Use Permit. The Mixed Use Development Plan is intended to provide for a mix of residential and commercial uses at a density of less than 29 dwelling units per acre. Thus, the project is consistent with the zoning designation and is anticipated in the local plan and SANDAG's growth projections.

The RAQS is updated regularly, with the last update being completed in 2016. At that time, the City's Housing Element identified the project site for up to 451 units (City of Oceanside 2013). The proposed project would include 295 units, which is 156 units less than the Housing Element anticipated. Since the project has been designed in accordance with growth projections identified within the Housing Element effective at the time the RAQS was last updated, and since direct construction and operational air quality impacts are not expected, as further detailed below, the proposed project would be consistent with San Diego's RAQS and would also conform to the State Implementation Plan.

Since the proposed project is compatible with the general plan land use designation, is a less intense use than anticipated by the Zoning Code as the project proposes less than 29 dwelling units per acre, and because the project site was identified for up to 451 units under the Fifth Cycle Housing Element in effect at the time the RAQS was last updated, the construction and operational emissions associated with the proposed project would not conflict with the RAQS. Therefore, the proposed project would not conflict with or obstruct implementation of the applicable air quality plan and impacts would be **less than significant**.

- b. **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?**

Less-than-Significant Impact.

Thresholds

The SDAPCD established thresholds in Rule 20.2 for the preparation of air quality impact assessments. 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. Since SDAPCD does not have air quality impact assessment threshold for emissions of VOCs, the threshold used for VOCs is from the South Coast Air Quality Management District (SCAQMD), as stated in the San Diego County Guidelines for Determining Significance. The screening thresholds for construction and daily operations are shown in Table 6.3-2. Should emissions be found to exceed these thresholds, additional modeling is required to demonstrate that a project’s total air quality impacts are below the state and federal ambient air quality standards.

Table 6.3-2. Screening Threshold for Criteria Pollutants

Pollutant	Total Emissions (Pounds per Day)	Total Emissions (Tons per Year)
Construction Emissions		
Respirable Particulate Matter (PM ₁₀ and PM _{2.5})	100 and 55	15
Nitrogen Oxide (NO _x)	250	40
Sulfur Oxide (SO _x)	250	40
Carbon Monoxide (CO)	550	100
Volatile Organic Compounds (VOCs)	75	40
Reactive Organic Gases (ROG) SCAQMD	75	40
Operational Emissions		
Respirable Particulate Matter (PM ₁₀ and PM _{2.5})	100 and 55	15
Nitrogen Oxide (NO _x)	250	40
Sulfur Oxide (SO _x)	250	40
Carbon Monoxide (CO)	550	100
Lead and Lead Compounds	3.2	0.6
Volatile Organic Compounds (VOCs)	75	40
Reactive Organic Gases (ROG) SCAQMD	75	40

Note: SCAQMD = South Coast Air Quality Management District.

Emissions Calculations

Criteria Air Pollutants

Air quality impacts related to construction and daily operations were calculated using California Emissions Estimator Model (CalEEMod) version 2020.4.0, which was developed by BREEZE Software for the SCAQMD in 2017. The CalEEMod input/output model is shown in Appendix A.

Construction Emission Inputs

Project construction data were provided by the project Applicant based on experience with construction of similar projects throughout California. Construction dates were estimated based on a construction start date in 2023, with construction ending in 2025. CalEEMod was utilized for all construction calculations and has been manually updated to reflect SDAPCD Rule 67 VOC paint standards and project design features (PDFs). As a design feature, the project's construction team would utilize Tier 3 diesel construction equipment with a California Air Resources Board (CARB) certified level 3 diesel particulate filters (DPFs), and architectural coatings would conform to SDAPCD Rule 67 as indicated by the Project Applicant.

Table 6.3-3 shows the expected timeframes for the construction of project infrastructure, facilities, and improvements, as well as the expected number of pieces of equipment. This analysis would be conservative in the event construction began/ended at a later date, as annual code updates and fleet improvements typically have the effect of restricting and limiting emissions on construction equipment over time.

Table 6.3-3. Expected Construction Equipment

Equipment Identification	Proposed Start	Proposed Complete	Quantity
Site Preparation	08/01/2023	08/28/2023	
Rubber Tired Dozers	—	—	3
Tractors/Loaders/Backhoes	—	—	4
Grading	08/29/2023	10/30/2023	
Excavators	—	—	2
Graders	—	—	1
Rubber Tired Dozers	—	—	1
Scrapers	—	—	2
Tractors/Loaders/Backhoes	—	—	2
Paving	10/31/2023	12/18/2023	
Pavers	—	—	2
Paving Equipment	—	—	2
Rollers	—	—	2
Building Construction	12/19/2023	8/25/2025	
Cranes	—	—	1
Forklifts	—	—	3
Generator Sets	—	—	1
Tractors/Loaders/Backhoes	—	—	3
Welders	—	—	1
Architectural Coating	6/1/2025	8/25/2025	
Air Compressors	—	—	1

Note: This equipment list is based upon equipment inventory within CalEEMod. The quantity and types are based upon estimates provided by the project applicant.

Construction Emissions

Construction emissions in pounds per day from the construction activities and equipment identified previously is shown in Table 6.3-4 below. As noted above, the proposed project construction team would utilize Tier 3 diesel construction equipment with CARB certified level 3 DPFs, and architectural coatings would conform to SDAPCD Rule 67. With these design features, as shown in Table 6.3-4, project emissions would not exceed SDAPCD air quality standards during construction; therefore, construction related impacts would be **less than significant**.

Table 6.3-4. Expected Construction Emissions Summary

Year	ROG	NO _x	CO	SO ₂	PM ₁₀ (Total)	PM _{2.5} (Total)
2023	1.64	33.68	38.21	0.08	19.95	10.28
2024	1.45	17.08	24.96	0.06	2.82	0.88
2025	63.26	18.45	27.56	0.06	3.29	1.01
<i>Maximum</i>	63.26	33.68	38.21	0.08	19.95	10.28
Significance Threshold (lb/day)	75	250	550	250	100	55
SDAPCD Impact?	No	No	No	No	No	No

Note: ROG = reactive organic gases; NO_x = oxides of nitrogen; CO = carbon monoxide; SO₂ = sulfur dioxide; PM₁₀ = particulate matter with a diameter less than or equal to 10 microns; PM_{2.5} = particulate matter with a diameter less than or equal to 2.5 microns; lb/day = pounds per day; SDAPCD = San Diego Air Pollution Control District.

Operational Emissions Inputs

Once construction is completed, the proposed project would generate emissions from daily operations, which would include sources such as area, energy, mobile, waste and water uses, which are also calculated within CalEEMod. Area sources include consumer products, landscaping, and architectural coatings as part of regular maintenance. Energy sources would be from uses such as on-site natural gas. Finally, mobile or transportation related emissions are calculated in CalEEMod.

The traffic inputs for CalEEMod were adjusted to be consistent with the proposed project traffic study (Appendix K). Also, the average trip distance was updated to reflect the typical vehicle miles traveled within the County of San Diego and is based on the EMFAC 2017 model. These traffic numbers were utilized within the CalEEMod analysis. The model also estimates emission predictions for reactive organic compounds, oxides of nitrogen, carbon monoxide (CO), sulfur dioxide, PM₁₀, and PM_{2.5} for area source assumptions. Additionally, it was assumed that an average of 10% of the structural surface area will be re-painted each year. Finally, the proposed project would not be installing hearths.

Consumer product emissions are generated by a wide range of product categories, including air fresheners, automotive products, household cleaners, and personal care products. Emissions associated with these products primarily depend on the increased population associated with residential development. Default emission factors were utilized within CalEEMod.

Operational Emissions

The proposed project would be operational in the year 2026 and would incorporate a number of PDFs as described in Section 2.2.10. Certain PDFs have been incorporated within this analysis, specially, PDF-AQ-1 through PDF-AQ-9 have been factored into the emissions modeling.¹ The daily pollutant emissions as calculated within CalEEMod are shown in Table 6.3-5 below. As shown in Table 6.3-5, operational emissions from the proposed project are well below the SDAPCD thresholds for all categories in both the summer and winter scenarios.

Table 6.3-5. Expected Daily Pollutant Generation

	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer Scenario						
Area	8.19	0.28	24.35	0.00	0.14	0.14
Energy	0.08	0.68	0.35	0.00	0.05	0.05
Mobile	7.00	4.88	43.18	0.08	8.30	2.25
Total (lb/Day)	15.28	5.84	67.88	0.08	8.49	2.44
SDAPCD Thresholds	75	250	550	250	100	55
Significant?	No	No	No	No	No	No
Winter Scenario						
Area	8.19	0.28	24.35	0.00	0.14	0.14
Energy	0.08	0.68	0.35	0.00	0.05	0.05
Mobile	6.65	5.31	46.91	0.07	8.30	2.25
Total (lb/Day)	14.92	6.27	71.61	0.08	8.49	2.44
SDAPCD Thresholds	75	250	550	250	100	55
Significant?	No	No	No	No	No	No

Note: ROG = reactive organic gases; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = particulate matter with a diameter less than or equal to 10 microns; PM_{2.5} = particulate matter with a diameter less than or equal to 2.5 microns; lb/day = pounds per day; SDAPCD = San Diego Air Pollution Control District.

Based on this analysis, the proposed project would generate a **less-than-significant** operational impact as emissions would not exceed screening level thresholds.

c. *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Less-than-Significant Impact. Non-Criteria pollutants such as hazardous air pollutants or toxic air contaminants 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 of one or more toxic air contaminants. The rule requires that projects that propose to increase cancer risk between 1 and 10 in one million need to implement toxics best available control technology (T-BACT) or impose the most effective emission limitation, emission control device, or control technique to reduce the cancer risk. At no time shall the project increase the

¹ Measures PDF-AQ-10 through PDF-AQ-16 are not factored into the modeling as the emission reductions from those are not easily quantifiable; therefore, the below emissions levels represent a conservative outcome as project emissions would be lower. It is also noted that regulatory updates are also likely to result in lower emissions levels over time, such as through the implementation of lower-emission/zero emission light-duty vehicles. However, these regulatory update reductions are also not factored into the emissions modeling.

cancer risk to over 10 in one million. Projects creating cancer risks less than one in one million are not required to implement T-BACT technology.

Methodology

A diesel particulate matter (DPM) screening-level health risk assessment for construction was conducted to determine the project's potential for generating health risk impacts to nearby sensitive receptors during the project's construction activities.

Construction Health Risk

The worst-case exhaust emissions generated from the proposed project from construction equipment were utilized and calculated within the CalEEMod model. The AERSCREEN dispersion model was then used to determine the concentration for air pollutants at any location near a pollutant generator. Additionally, the model predicts the maximum exposure distance and concentrations. The AERSCREEN input/output file for the proposed project is shown in Attachment B in the Air Quality Assessment (Appendix A). Once the dispersed concentrations of diesel particulates are estimated in the surrounding air, they are used to evaluate estimated exposure to people. Exposure is evaluated by calculating the dose in milligrams per kilogram body weight per day (mg/kg/d). For residential exposure, the breathing rates are determined for specific age groups, so inhalation dose (Dose-air) is calculated for each of these age groups: 3rd trimester, 0- <2, 2- <9, 2- <16, 16- <30 and 16-70 years. The following algorithms calculate this dose for exposure through the inhalation pathways. The worst case cancer risk dose calculation is defined in Equation 1 below (OEHHA 2015).

i. *Equation 1* $Dose_{air} = C_{air} * (BR/BW) * A * EF * (1 \times 10^{-6})$

Dose _{air}	=	Dose through inhalation (mg/kg/d)
C _{air}	=	Concentration in air (µg/m ³) Annual average DPM concentration in µg/m ³ - SCREEN3 predicts a 1-hr concentration and is corrected to an annual average by multiplying the 1-hr average by 0.08 (EPA 1992)
BR/BW	=	Daily breathing rate normalized to body weight (L/kg BW-day). See Table I.2 [in OEHHA 2015] for the daily breathing rate for each age range.
A	=	Inhalation absorption factor (assumed to be 1)
EF	=	Exposure frequency (unitless, days/365 days)
1x10 ⁻⁶	=	Milligrams to micrograms conversion (10 ⁻³ mg/µg), cubic meters to liters conversion (10 ⁻³ m ³ /l)

Cancer Risk

Cancer risk is calculated by multiplying the daily inhalation or oral dose by a cancer potency factor, the age sensitivity factor, the frequency of time spent at home, and the exposure duration divided by averaging time, to yield the excess cancer risk.

As described below, the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk for any given location. The worst case cancer risk calculation is defined in Equation 2 below (OEHHA 2015).

Equation 2

$$\text{RISK}_{\text{inh-res}} = \text{DOSE}_{\text{air}} \times \text{CPF} \times \text{ASF} \times \text{ED}/\text{AT} \times \text{FAH}$$

RISK _{inh-res}	=	Residential inhalation cancer risk
DOSE _{air}	=	Daily inhalation dose (mg/kg-day)
CPF	=	Inhalation cancer potency factor (mg/kg-day ⁻¹)
ASF	=	Age sensitivity factor for a specified age group (unitless)
ED	=	Exposure duration (in years) for a specified age group
AT	=	Averaging time for lifetime cancer risk (years)
FAH	=	Fraction of time spent at home (unitless)

Non-Cancer Risk

Non-cancer risks or risks defined as chronic or acute are also calculated with respect to DPM and are determined by the hazard index. To calculate the hazard index, DPM concentration is divided by its chronic Reference Exposure Levels (RELS). Where the total equals or exceeds 1, a health hazard is presumed to exist. RELs are published by the Office of Environmental Health Hazard Assessment (OEHHA 2015). For example, diesel exhaust has an REL of 5 micrograms per cubic meter (µg/m³) and targets the respiratory system. There are no acute RELS established for DPM.

Operational Health Risks

Operational health risk analyses typically follow the California Office of Environmental Health Hazard Assessment methodologies (OEHHA 2015) as outlined by the California Air Pollution Control Officers Association (CAPCOA 2009). Health risk impacts are generally broken up into Types A and B. Type A projects have the potential to emit toxic emissions and to impact nearby receptors. Type B projects place receptors in the vicinity of existing toxic sources like freeways, high traffic roads, or rail yards. The project does not contain any industrial or other similar uses that have the potential to create a health risk at adjacent land uses, so it does not qualify as a Type A project. Although not located in the vicinity of freeways, high traffic roads, or rail yards, the operational health risk analysis was conducted as if the project were classified Type B.

Health risks for projects within San Diego County air basin generally are regulated by SDAPCD. For Type A projects, significance thresholds have been established under SDAPCD's Hot Spots and permitting program (SDAPCD Rules 1200 and 1210). Under this program, excess cancer risk significance threshold is set at 10 in a million, and for acute and chronic non-carcinogenic health effects, a hazard index of one must not be exceeded.

For Type B projects, there are no regulatory significance thresholds. CEQA statutes encourage an air district or any lead agency to establish Type B significance thresholds under CEQA for any pollutant. While there are considerations that support the establishment of thresholds, there is no obligation to do so. Significance thresholds for Type B projects within the City of Oceanside and the County of San Diego have not been established.

In the absence of locally established Type B risk screening thresholds, jurisdictions often use the CARB recommended setback distances. For example, CARB recommends that sensitive uses be set back 1,000 feet from a major service and maintenance rail yard (CARB 2005). The term rail yard as analyzed by CARB means a major rail activity center and does not mean rail tracks. The rail yard as analyzed within CARB's study encompassed the Roseville Rail Yard in Northern California, which is an area of about 950 acres on a 0.25-mile-wide area over a 4-mile-long strip. This yard is one of the largest service and maintenance rail

yards in the west with over 30,000 heavy rail locomotives visiting annually, each having a typical horsepower rating of 3,000 horsepower.

Health Risk

Project Construction

Based upon the air quality modeling and use of Tier 3 equipment with DPF as a project design feature, worst-case on-site PM₁₀ from on-site construction exhaust would cumulatively produce 0.0378 tons over the construction duration (755 days), or an average of 0.00052 grams/second. The average emission rate over the grading area is 4.66x10⁻⁹ grams/square meter/second, which was calculated as follows:

$$\frac{0.00052 \frac{\text{grams}}{\text{second}}}{27.83 \text{ acres} * 4,046 \frac{\text{meters}^2}{\text{acre}}} = 4.66 * 10^{-9} \frac{\text{grams}}{\text{meters}^2 \text{ second}}$$

The peak maximum 1-hour concentration is 0.2908 µg/m³ during the worst-case construction period. Converting the peak 1-hour concentration to an annual concentration by multiplying it by 0.08 (EPA 1992) yields an annual concentration of 0.0233 µg/m³. Therefore, the inhalation cancer risk is 8.32 per million exposed at the point of maximum exposure 175 meters away (574 feet). It should be again noted that the PDF requiring use of Tier 3 diesel equipment with DPF attached inline to the exhaust system is considered T-BACT. Since the threshold is under 10 per million exposed with T-BACT installed, even using this overly conservative analysis, the project would have a less-than-significant impact under CEQA and would be in compliance with the City's thresholds. Since the calculated risk is at the point of maximum exposure, all receptor points near the project would have a risk which does not exceed 8.32 per one million exposed.

There are known chronic health risks associated with diesel exhaust that are considered non-cancer risks. The Air Quality Assessment (Appendix A) identified that the hourly concentration of 0.2908 µg/m³ divided by the REL of 5 µg/m³ yields a Health Hazard Index of 0.06, which is less than the significance threshold of one. Therefore, based on thresholds for case and non-cancer risks, health risks are **less than significant**.

Project Operations

The closest major service and maintenance rail yard to the project site is on Camp Pendleton, approximately 4.5 miles away. That rail yard does not generate a significant health risk impact to the project since it is more than 1,000 feet from the proposed development.

The project site is located near the Crouch Street Sprinter light rail station with typical service between about 4:00 a.m. to midnight daily and in each direction. Overall, the Crouch Street Sprinter light rail station would have roughly 80 trips per day with each train having a 425 horsepower diesel motor. Each train would stop at the Crouch Street Station and would be stopped only long enough for passengers to exit and enter, with typical durations lasting approximately 1 minute. In addition, the rail adjacent to the site would have two freight train trips passing the site weekly (inbound and outbound) with a deliveries to Escondido, California. These freight trains are pass by events that would not stop at the Crouch Street Station.

The project would not result in significant adverse impacts associated with locomotives. CARB's Air Quality and Land Use Handbook: A Community Health Perspective recommends avoiding siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard. CARB also recommends possible siting limitations and mitigation approaches for proposals to site new sensitive uses within 1 mile of rail yards. The relevant guidance regarding the evaluation of health risks associated with locomotives has been focused on rail yard operations as opposed to train tracks. The closest major service and maintenance rail yard to the project is on Camp Pendleton, approximately 4.75 miles northwest of the project site. Although the Sprinter tracks are located north of the project site, those train tracks do not constitute a rail yard as that term is used by CARB. The CARB guidance does not identify the need for a siting distance buffer between sensitive receptors and train tracks. Unlike railyard operations, sensitive receptors are only exposed to pollutants from moving locomotives for a very short duration. Thus, operations from the Crouch Street rail line and station would generate a less-than-significant health risk to users of the project site. Therefore, operational health risks are **less than significant**.

Health Impacts of Carbon Monoxide

Exposure to high concentrations of CO can result in dizziness, fatigue, chest pain, headaches, and impairment of central nervous system functions. Mobile-source impacts, including those related to CO, occur on two scales. Regionally, project-related construction and operational travel would add to regional trip generation and increase the vehicle miles traveled within the local airshed and the San Diego Air Basin (SDAB). Locally, construction and operational traffic would be added to the roadway system in the vicinity of the project site. Although the SDAB is an attainment area for CO, there is a potential for the formation of microscale CO "hotspots" to occur immediately around points of congested traffic. Hotspots can form if such traffic occurs during periods of poor atmospheric ventilation, is composed of a large number of vehicles cold-started and operating at pollution-inefficient speeds, and/or is operating on roadways already crowded with non-project traffic. Because of continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the SDAB is steadily decreasing.

The Governor's Office of Planning and Research and the California Natural Resources Agency have issued new CEQA Guidelines for analyzing transportation impacts. By July 1, 2020, all CEQA lead agencies must analyze a project's transportation impacts using vehicle miles traveled. Vehicle miles traveled measures the distances vehicles will travel to and from a project, rather than congestion levels at intersections (level of service, graded on a scale of A-F). To account for this shift from LOS to vehicle-miles traveled—such that vehicle congestion is no longer modeled and available—but to nonetheless evaluate the potential for CO hotspots for the hypothetical development scenario, this Sustainable Communities Environmental Assessment utilizes CO modeling analyses performed by the SCAQMD relative to 1-hour and 8-hour concentrations as follows.

The SCAQMD conducted CO modeling for the 2003 Air Quality Management Plan (Appendix V of SCAQMD 2003) for the four worst-case intersections in the South Coast Air Basin: (1) Wilshire Boulevard and Veteran Avenue, (2) Sunset Boulevard and Highland Avenue, (3) La Cienega Boulevard and Century Boulevard, and (4) Long Beach Boulevard and Imperial Highway. At the time the 2003 Air Quality Management Plan was prepared, the intersection of Wilshire Boulevard and Veteran Avenue was the most congested intersection in Los Angeles County, with an average daily traffic volume of about 100,000 vehicles per day. Using CO emission factors for 2002, the peak modeled CO 1-hour concentration was estimated to be 4.6 parts per million (ppm) at the intersection of Wilshire Boulevard and Veteran Avenue.

The 1-hour CAAQS CO threshold of significance is 20 ppm. A daily traffic volume of 100,000 vehicles (as considered in the SCAQMD modeling), as a result of the proposed project, would be at least double the traffic volumes of the intersections analyzed for the project (Appendix K).² However, even if the peak modeled 1-hour CO concentration of 4.6 ppm from SCAQMD's analysis of an intersection with 100,000 vehicle traffic volumes were added to the maximum 1-hour CO concentration from 2018 through 2020 at the San Diego – 11403 Rancho Carmel Drive monitoring station of 4.1 ppm (in 2019), the 1-hour CO concentration in the project area would total 8.7 ppm. This worst case scenario—modeling at least double the traffic compared to that experienced in the project area—would still result in 1-hour CO concentrations well below the CAAQS 1-hour CO threshold of 20 ppm.

Concerning 8-hour concentrations, SCAQMD modeled future year 8-hour CO concentrations at the Central Los Angeles monitoring site of 4.6 ppm in 2020. Adding the 4.6 ppm to the maximum 8-hour CO concentration from 2018 through 2020 at the San Diego – 11403 Rancho Carmel Drive monitoring station of 2.5 ppm (in 2019) would result in a total 8-hour CO concentration of 7.1 ppm. Again, this worst case scenario 8-hour CO concentration assuming traffic counts far above that experienced in the project area would still be well below the CAAQS 8-hour threshold of 9.0 ppm.

Said another way, CO concentrations at congested intersections would not exceed the 1-hour or 8-hour CO CAAQS even if projected daily traffic would cause area traffic volumes to exceed 100,000 vehicles per day. The proposed project would not increase daily traffic volumes at any study intersection to anything close to 100,000 vehicles per day (Appendix K). Therefore, the proposed project is not anticipated to create a CO hotspot. As such, impacts to sensitive receptors with regard to potential CO hotspots resulting from the project would be **less than significant**.

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

Less-than-Significant Impact. The occurrence and severity of potential odor impacts depends on numerous factors. The nature, frequency, and intensity of the source; the wind speeds and direction; and the sensitivity of receiving location each contribute to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying and cause distress among the public and generate citizen complaints.

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. The project would comply with both SPAPCD Rule 51 and Oceanside Municipal Code Section 13.16.

Odors would be potentially generated from vehicles and equipment exhaust emissions during construction of the proposed project. Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment. Such odors would disperse rapidly from the project site due to the project's location and distance from any residential

² For each study intersection in each scenario evaluated in the Traffic Impact Analysis, all 10 study intersections were estimated to result in less than 100,000 vehicles per day in every scenario evaluated (ranging from 4,649 vehicles to 44,977 vehicles).

receptors and due to prevailing winds which blow from west to east towards open space/undeveloped lands. The project would be required to comply with the City's public nuisance law and the State of California Health and Safety Code. Therefore, impacts associated with odors during construction would be less than significant as construction of the project would not result in emissions leading to odors adversely affecting a substantial number of people.

With respect to operations, land uses associated with odor complaints include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting, refineries, landfills, dairies, fiberglass molding and other more intensive industrial operations. The proposed project entails a mixed-use residential and commercial development and does not include any of those types of odor generating uses. The project would also be required to comply with the City's public nuisance law and the State of California Health and Safety Code mentioned above.

The project's proposed commercial/retail use may include a restaurant without a drive through. Odor impacts from restaurants are addressed through compliance with SDAPCD Rule 51, Oceanside Municipal Code Section 13.16, and the building permit process by demonstrating compliance with the applicable building codes that require the use of exhaust filtration systems based on the expected equipment within the commercial kitchen. Should a restaurant utilize the commercial/retail space proposed, exhaust filtration systems would be required per the building code, and the restaurant applicant would be required to demonstrate that the operations would comply with the California Building Code prior to issuance of a building permit. Similarly, the project would comply with SDAPCD Rule 51 and Oceanside Municipal Code Section 13.16. Therefore, the operation of a restaurant would not result in emissions leading to odors adversely affecting a substantial number of people. Therefore, project operations would not result in significant adverse odor impacts.

e. *Cumulative Impacts*

Less-than-Significant Impact. Air pollution is largely a cumulative impact, which is measured cumulatively by air basin. The project is located in the SDAB, and the SDAB is considered the cumulative air quality study area. The SDAB is a federal (National Ambient Air Quality Standards) nonattainment area for O₃, as well as a state (CAAQS) nonattainment area for O₃, PM₁₀, and PM_{2.5}.

The 2016 RAQS and State Implementation Plan have been developed accordingly to reduce these emissions. These plans address measures 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 described under Section 6.3(b), the project would have a less-than-significant impact due to short-term construction and long-term operations. As such, the project would have a less-than-significant cumulative impact.

Additionally, for the basin, the RAQS serves as the long-term regional air quality planning document for the purpose of assessing cumulative operational emissions in the basin to ensure the SDAB continues to make progress toward National Ambient Air Quality Standards and CAAQS attainment status. As such, cumulative projects located in the San Diego region would have the potential to result in a cumulative impact to air quality if, in combination, they would conflict with or obstruct implementation of the RAQS. Similarly, individual projects that are inconsistent with the regional planning documents upon which the RAQS is based would have the potential to result in cumulative operational impacts if they represent development

and population increases beyond regional projections. As detailed under Section 6.3(a), the project would be consistent with the RAQS. As a result, the project would not result in a cumulatively considerable contribution to regional O₃, PM₁₀, or PM_{2.5} concentrations or other criteria pollutant emissions. Cumulative impacts would be less than significant.

A review of cumulative projects nearest the proposed project was conducted on the City's geographic information system database (City of Oceanside 2021). As it is unknown whether the projects under review will be approved or not, and if approved when actual construction would begin, it would be purely speculative to estimate any potential overlap of the proposed project. Construction schedules for potential future projects near the project site are currently unknown; therefore, potential construction impacts associated with two or more simultaneous projects would be speculative.³ However, future projects would be subject to CEQA and would require an air quality analysis and, where necessary, mitigation if the project would exceed SDAPCD's significance thresholds. Criteria air pollutant emissions associated with construction activity of future projects would be reduced through implementation of control measures required by SDAPCD. Cumulative PM₁₀ and PM_{2.5} emissions would be reduced because all future projects would be subject to SDAPCD Rule 55 (Fugitive Dust), which sets forth general and specific requirements for all construction sites in the SDAPCD. Furthermore, cumulative O₃ emissions would be reduced because all future projects would be subject to SDAPCD Rule 67.0.1 (Architectural Coatings), which sets forth limits on the VOC content of various coating categories.

As discussed under Section 6.3(c), the project would result in a less-than-significant impact to sensitive receptors with respect to toxic air contaminants and CO hotspots. The closest major service and maintenance rail yard to the project is on Camp Pendleton, approximately 4.75 miles northwest of the project site. Although the Sprinter tracks are located north of the project site, those train tracks do not constitute a rail yard as that term is used by CARB. As such, the project would not be within the radius of which CARB recommends restrictions on the siting of residential land uses. As such, the project would not result in a cumulatively considerable impact to sensitive receptors during construction or operation.

As discussed under Section 6.3(d), odors from the project would be temporary and disperse rapidly from the site during construction. During operation, the project would not introduce new sources of odors to the site. As such, the project would have a less-than-significant cumulative impact with respect to odors during construction and operation.

All reasonably foreseeable cumulative projects would be required to conform to existing regulations with respect to avoidance, minimization, and mitigation of air quality impacts during construction, similar to the project. As DPM and other air quality pollutant emissions from construction vehicles at this cumulative project site are temporary and localized, cumulative impacts would be **less than significant**.

³ The CEQA Guidelines state that if a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact (14 CCR 15145). This discussion is nonetheless provided in an effort to show good-faith analysis and to comply with CEQA's information disclosure requirements.

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6.4 Biological Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The following analysis utilizes information provided in the Biological Technical Report for the Ocean Creek Project, City of Oceanside, California, prepared by Dudek and dated June 2022, included as Appendix B in this Sustainable Communities Environmental Assessment.

Existing Biological Resources

Five vegetation communities and two land covers exist within the biological study area: Diegan coastal sage scrub, non-native grassland, eucalyptus woodland, non-native woodland, disturbed southern willow scrub, disturbed habitat,

and urban/developed. See Figure 6.4-1, Vegetation Communities and Landcovers and Table 6.4-1, Vegetation Communities and Land Covers.

Table 6.4-1. Vegetation Communities and Land Covers

Vegetation/Land Cover Type	On-Site Acreage	Off-Site Acreage	Total Acreage
Diegan coastal sage scrub	4.75	5.18	9.93
Disturbed habitat	2.87	3.56	6.47
Eucalyptus woodland	0.10	–	0.10
Non-native grassland	10.10	–	10.10
Non-native woodland	–	.22	0.22
Southern willow scrub (disturbed)	0.18	–	0.18
Urban/developed	1.04	.37	1.41
Total	19.03	9.35	28.37

Source: Appendix B.

Diegan Coastal Sage Scrub

The majority of the southern and eastern upland portions of the biological study area consists of Diegan coastal sage scrub dominated by coyotebrush (*Baccharis pilularis*) and California sagebrush (*Artemisia californica*); several non-native species, mainly black mustard (*Brassica nigra*) and fennel (*Foeniculum vulgare*), are intermixed. The sage scrub habitat to the west of Crouch Street has several concrete drainage channels and remnants of irrigation pipes and sprinklers, suggesting that it was once part of a restoration project for the residential development to the south.

Disturbed Habitat

Disturbed areas surrounding and bisecting the non-native grassland on the western and northeast biological study area are dominated by Hottentot fig (*Carpobrotus edulis*), but include several native species common in disturbed areas, including dove weed (*Croton setiger*) and clustered tarweed (*Deinandra fasciculata*). Additionally, several patches of disturbed habitat dominated by black mustard, castorbean (*Ricinus communis*), and ornamental species such as *Acacia* sp. occur adjacent to the Diegan coastal sage scrub throughout the biological study area. Additional disturbed habitat areas exist above the Diegan coastal sage scrub in the southern and eastern corners of the site where evidence of recent mowing and vegetation clearing was observed during surveys.

Eucalyptus Woodland

One small patch of eucalyptus woodland exists in the southwest portion of the project site comprised of river redgum (*Eucalyptus camaldulensis*) and Tasmanian bluegum (*Eucalyptus globulus*).

Non-native Grassland

Non-native grassland comprises most of the northwest portion of the biological study area where it is dominated by naturalized species including non-native bromes (*Bromus* spp.), Maltese star-thistle (*Centaurea melitensis*), and shortpod mustard (*Hirschfeldia incana*). The non-native grassland supports sparse native species (i.e., Menzies' golden bush [*Isocoma menziesii*] and western ragweed [*Ambrosia psilostachya*]), but the absolute percent covers were too low to map as a separate native vegetation community. The non-native grassland has been graded and filled in the past, and a brush fire burned a significant portion of this vegetation community in mid-August 2019 after the initial vegetation mapping was completed.

Non-native Woodland

An area of non-native woodland comprised of Peruvian peppertree (*Schinus molle*) and myoporum (*Myoporum laetum*) is present next to the Diegan coastal sage scrub in the northeastern portion of the site.

Southern Willow Scrub (Disturbed)

The southern slope of Loma Alta Creek is located within the project site. It is comprised of scattered arroyo willow (*Salix lasiolepis*), mulefat (*Baccharis salicifolia* ssp. *salicifolia*), coyotebrush (*Baccharis pilularis* ssp. *consanguinea*), and Canadian horseweed (*Erigeron canadensis*); however, Hottentot fig and scattered castorbean make up more than 25% absolute cover on this slope. It is mapped as a “disturbed” form of southern willow scrub based on the high percent cover of non-native species combined with the low percent cover of native riparian species.

Urban/Developed

There is urban/developed land along the northern boundary of the biological study area near the Crouch Street Sprinter Station, in a southern area of ornamental vegetation adjacent to existing residences off Rue de la Montagne, and in the off-site area.

Off-site waterline improvements, which are shown in Figure 2.8, Off-Site Water System Improvements, are also within areas categorized as Urban/Developed. Because these would occur to areas previously developed, and any improvements over Loma Alta Creek would be to repair or replace existing facilities, no new impacts are expected to biological resources.

Flora and Fauna

A total of 177 plants were observed during 2019 and 2020 surveys, including 73 native (41%) and 104 non-native (59%) species. A cumulative list of plant species observed by Dudek during all surveys is presented in Appendix B, Plant Species List. Latin and common names for plant species with a California Rare Plant Rank (CRPR) follow the CNPS On-Line Inventory of Rare, Threatened, and Endangered Plants of California (CNPS 2020). For plant species without a CRPR, Latin names follow the Jepson Interchange List of Currently Accepted Names of Native and Naturalized Plants of California (Jepson Flora Project 2019) and common names follow the California Natural Community list (CDFW 2019a) or the U.S. Department of Agriculture Natural Resources Conservation Service Plants Database (USDA 2019).

A total of 35 wildlife species were observed during 2019 surveys, including 27 birds, 5 invertebrates, 2 mammals, and 1 reptile. All wildlife species observed or detected during the surveys were recorded and are presented in Appendix C, Wildlife Species List. Latin and common names of animals follow Crother (2017) for reptiles and amphibians, American Ornithological Society (AOS 2018) for birds, Wilson and Reeder (2005) for mammals, and North American Butterfly Association (NABA 2016) or San Diego Natural History Museum (SDNHM 2002) for butterflies.

- a) ***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?***

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, the following analyzes the potential indirect impacts that may 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).

Less Than Significant Impact with Mitigation.

Special-Status Plants

Direct Impacts

Special-status plant species are those that are (1) species listed by federal and/or state agencies, proposed for listing as threatened or endangered, or are candidate species (CDFW 2020); or (2) species with a CRPR (CNPS 2020); or (3) species listed on the Draft Oceanside MSCP Subarea Plan Proposed Covered Species list (City of Oceanside 2010).

Focused surveys for special-status plants were conducted in May and August 2020. Prior to special-status plant surveys, Dudek evaluated plant records in the San Luis Rey quadrangle and the surrounding seven quadrangles, including Las Pulgas Canyon, Morro Hill, Bonsall, Oceanside, San Marcos, Encinitas, and Rancho Santa Fe (CDFW 2019b; CNPS 2020; USFWS 2019a) to determine target species. In addition to Dudek’s knowledge of biological resources and regional distribution of each species, elevation, habitat, and soils present within the rare plant survey area were evaluated to determine the potential for various special-status plant species to occur. Field survey methods conformed to CNPS Botanical Survey Guidelines (CNPS 2001); Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (CDFG 2000); and General Rare Plant Survey Guidelines (Cypher 2002). Surveys were conducted by walking meandering transects throughout the project site to detect special-status species.

No special-status plants were observed during focused surveys in 2020. Therefore, the project would not result in direct impacts to special-status plant 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.

Indirect Impacts

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 imposed by law that address erosion and runoff, including the federal Clean Water Act, NPDES, and preparation of a SWPPP (refer also to Section

5.6, Hydrology and Water Quality). Minimization measures found in Section 5.2.8 of the Draft Multiple Species Conservation Plan (MSCP) Subarea Plan (Draft Subarea Plan) would be included as conditions of approval to avoid indirect impacts to special-status plant species, should they occur on the project site. Refer to Appendix B-1, Biological Resources Technical Report, and PDF-BIO-1 for the list of these requirements, which would reduce potential indirect impacts such from dust, human presence, and other construction-related activities, which would otherwise adversely affect biological resources. Therefore, because no special status plant species are known to occur on the project site, and because the project would implement the requirements of the Draft Subarea Plan and PDF-BIO-1, indirect impacts to special-status plant species are not expected to occur.

Therefore, the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any plant species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (now California Department of Fish and Wildlife) or U.S. Fish and Wildlife Service. Impacts would be **less than significant**.

Special-Status Wildlife

Direct Impacts

Special-status wildlife species considered are those that are (1) listed by federal and/or state agencies, proposed for listing as threatened or endangered, or are candidate species (CDFW 2019c); (2) Species of Special Concern and Bird of Conservation Concern species (CDFW 2019c; USFWS 2008); (3) fully protected species (CDFW 2019c); or (4) listed on the Draft Subarea Plan Proposed Covered Species list (City of Oceanside 2010).

Focused surveys were conducted for coastal California gnatcatcher (*Poliioptila californica californica*) and least Bell's vireo (*Vireo bellii pusillus*). All wildlife species detected during the field surveys by sight, vocalizations, burrows, tracks, scat, and other signs were recorded. Binoculars (10×40) were used to aid in the identification of observed wildlife. These survey results are described below.

Least Bell's Vireo

Least Bell's vireo are known to occur approximately 0.5 miles northwest of the project site. The vegetated portion of Loma Alta Creek adjacent to the proposed project footprint has moderate potential to support least Bell's vireo. Focused surveys for these species were initiated on April 30, 2020, and were completed on July 25, 2020. The eight surveys for vireo followed the currently accepted Least Bell's Vireo Survey Guidelines (USFWS 2001).

Focused surveys for least Bell's vireo were negative, which is consistent with the degraded quality of the habitat within the applicable section of Loma Alta Creek. Since the protocol surveys were negative, and there are no direct impacts to the disturbed southern willow scrub, impacts to least Bell's vireo are considered less than significant and no mitigation is required. However, it is noted that the project's habitat restoration and enhancement in Loma Alta Creek, as further described below, would potentially improve habitat for least Bell's vireo along this stretch of Loma Alta Creek.

Coastal California Gnatcatcher

Focused surveys were performed on the project site, including the Diegan coastal sage scrub on the southern slopes of the project site. Nine focused surveys for coastal California gnatcatcher were performed within suitable habitat between July 31, 2019, and November 22, 2019, following the currently accepted USFWS protocol: Coastal California Gnatcatcher (*Poliophtila californica californica*) Presence/Absence Survey Protocol (USFWS 1997). Coastal California gnatcatchers were documented on site using a variety of features that helped distinguish individuals from one another in order to assist with determining the number of pairs/individuals.

The surveys confirmed the presence of two pairs on the site in separate locations, and the Diegan coastal sage scrub within the project boundary is considered occupied coastal California gnatcatcher habitat. No coastal California gnatcatchers were detected outside of the Diegan coastal sage scrub, despite surveys overlapping with both the breeding season and dispersal season. The project will not have direct impacts on the occupied Diegan coastal sage scrub within the project boundary as shown in Table 6.4-2 because the project has been designed to avoid impacts to coastal sage scrub.

Table 6.4-2. Permanent Impacts to Vegetation Communities and Land Covers

Vegetation/Land Cover Type	Impacts (Acres)		Total Impacts (Acres) ^a	Mitigation	
	Development	S. Oceanside Blvd (Acres)		Ratio ^b	Acres Required
Disturbed habitat	0.96	0.04 5	1.00 1	0	0
Eucalyptus woodland	0.07	—	0.07	0	0
Non-native grassland	8.65 2	—	8.65 2	0.5:1	4.33 1
Urban/developed	0.40	0.18	0.59	0	0
Total^b	10.074	0.23	10.3128	NA	4.331

Source: Appendix B.

Notes:

^a Acreages may not sum precisely due to rounding.

^b Per Draft Subarea Plan

As shown in Table 6.4-2, impacts have been limited to non-native grassland (8.65~~2~~ acres), disturbed habitat (1.00~~1~~ acres) and eucalyptus woodland (0.07 acres). The non-native grassland has been graded in the past and the overall height of the grasses, forbs, and scattered shrubs are likely too short to provide adequate habitat for foraging opportunities. Additionally, the grassland area located near the Crouch Street Sprinter Station has been periodically used. The human activity combined with a lack of suitable vegetation appears to have deterred the gnatcatchers from using this area during foraging and/or dispersal. The disturbed habitat and developed land within the biological study area do not provide any habitat for these species. The eucalyptus woodland and non-native woodland may provide dispersal habitat, but no coastal California gnatcatchers were observed in these habitat types despite the survey routes overlapping or occurring adjacent to these areas as well. Therefore, the proposed project has been designed to avoid impacts to the coastal sage scrub, and direct impacts to coastal California gnatcatcher would be avoided. Impacts are less than significant.

Other Special-Status Animal Species

Additional special-status species with high potential to occur on site include southern California legless lizard (*Anniella stebbinsi*), orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), San Diego tiger

whiptail (*Aspidoscelis tigris stejnegeri*), and Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*). These species would primarily occur in the Diegan coastal sage scrub and/or non-native woodland, but could occasionally use the non-native grassland. As shown in Table 6.4-2, impacts to Diegan coastal sage scrub and/or non-native woodland have been avoided by the project design. Impacts to the non-native grassland could result in loss of foraging and/or breeding habitat for these species. Therefore, because the proposed project would result in temporary and permanent loss of habitat for these other special-status species, including southern California legless lizard, orange-throated whiptail, San Diegan tiger whiptail, and Southern California rufous-crowned sparrow, the project would 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. Impacts would be considered **potentially significant (BIO-1)**.

To reduce impacts to less than significant, the project shall be mitigated through the conservation of native habitats, as described in **MM-BIO-1** (Designation of Open Space). With implementation of **MM-BIO-1**, potentially significant impacts to special status wildlife species would be reduced to less than significant because adequate habitat would be conserved for the long-term preservation of these species.

The California Fish and Game Code protects bird nests and the Migratory Bird Treaty Act prohibits the intentional take of any migratory bird or any part, nest, or eggs of any such bird. If clearing, grubbing, or other activities that result in the removal of vegetation occur during the nesting bird season (February 15 through August 31 for most species, January 15 through August 31 for raptors), impacts to active nests or the young of nesting bird species would be potentially significant (**BIO-2**).

This impact shall be mitigated through nesting bird surveys and establishment of appropriate buffers, as described in **MM-BIO-2** (Nesting Bird Surveys). With implementation of **MM-BIO-2**, impacts to nesting birds would be reduced to less than significant because nesting birds would not be disrupted through avoidance of grading and other construction activities during the nesting season or by establishing appropriate buffers to avoid impacts during the nesting season.

Indirect Impacts

Short-Term

Potential indirect impacts could occur as a result of generation of fugitive dust, noise, chemical pollutants, and increased human activity. Short-term, construction-related, indirect impacts to special-status wildlife species that occur within the biological study area (e.g., coastal California gnatcatcher, Southern California rufous-crowned sparrow, southern California legless lizard, orange-throated whiptail, and San Diegan tiger whiptail) could occur and would be considered **potentially significant (BIO-3)**.

These impacts shall be mitigated to less than significant through **MM-BIO-3** (Biological Monitoring) and **MM-BIO-4** (Temporary Installation of Fencing). With implementation of **MM-BIO-3** and **MM-BIO-4**, short-term indirect related impacts to special status wildlife species would be reduced to less than significant because biological monitoring and temporary fencing during construction would ensure construction impacts are minimized and reduced by ensuring a biologist is present to flush or otherwise identify sensitive wildlife species, and because construction fencing would prevent grading outside of the identified project footprint.

Indirect Impacts

Long-Term

Wildlife may be indirectly affected in the long-term by noise and lighting, which can disrupt normal activities and subject wildlife to higher predation risks. Minimization measures found in Section 5.2.8 of the Draft Subarea Plan would be applied to avoid indirect impacts to special-status wildlife species. Potential long-term or permanent indirect impacts to special-status wildlife species that occur within the biological study area include increased human activity. Because the proposed project would increase the population on the project site adjacent to habitats for special status species, indirect long-term impacts to special status species would be considered potentially significant (**BIO-4**). These long-term, indirect impacts shall be mitigated through **MM-BIO-3** (Biological Monitoring) and **MM-BIO-5** (Installation of Permanent Fencing).

With implementation of MM-BIO-3 and MM-BIO-5, long-term indirect impacts 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 would be reduced to less than significant. Indirect long-term impacts to special status species (**BIO-4**) would be **less than significant with mitigation**.

Mitigation Measures

MM-BIO-1: Designation of Open Space

Significant impacts to ~~8.652~~ acres of non-native grassland shall be mitigated at a 0.5:1 ratio as shown in Table 6.4-2 for a total of ~~4.334~~ acres of non-native grassland (Habitat Group E) or other City-approved native vegetation community of higher value than Habitat Group E, as defined by the Draft Subarea Plan (City of Oceanside 2010). Prior to issuance of a grading permit, documentation must be provided to the City as further detailed below and the City Planner must confirm that the criteria for mitigation have been met. The mitigation location shall be prioritized as follows: (1) Draft Subarea Plan Wildlife Corridor Planning Zone, (2) City of Oceanside, and (3) Northwestern San Diego County area with the understanding that the location of mitigation may depend on availability of habitat at the time the project proceeds. Mitigation shall be provided as follows to mitigate the project impacts to non-native grasslands to a less than significant level through preservation of the requisite habitat in perpetuity.

Prior to the issuance of any grading permit, the applicant shall provide evidence to the City of Oceanside Planning Division that a minimum of ~~4.334~~ acres of non-native grassland or other City-approved native vegetation community, including Diegan coastal sage scrub, are provided as mitigation through compensatory preservation to the satisfaction of the City. Performance standards for non-native grassland preservation will include the provision of habitat with at least 75% vegetative cover, consisting of non-native grasses and forbs. Alternatively, 75% native vegetation cover will be considered successful given that native vegetation is generally regarded as superior habitat for native wildlife and plant species and therefore has higher biological value. The satisfaction of these performance criteria shall be verified by a Qualified Biologist via a biological survey and an associated letter documenting the survey results. A "Qualified Biologist" is a professional with 5 years of experience in biological resource evaluation in San Diego County, with qualifications to be verified to the satisfaction of the City Planner. The habitat preservation mitigation site shall (1) be protected by a conservation easement or other City-approved mechanism that provides preservation in perpetuity, (2) have a permanent responsible party clearly

designated, and (3) be managed in accordance with a Habitat Management Plan in perpetuity. The Habitat Management Plan shall be prepared by a Qualified Biologist pursuant to the performance criteria and the Draft Subarea Plan's (City of Oceanside 2010) applicable framework preserve management guidelines. The Habitat Management Plan shall also include Property Analysis Report (PAR) analysis verified by a Qualified Biologist and approved by the City to identify yearly maintenance and monitoring costs pursuant to meeting those performance criteria, as well as identify an initial management fund endowment to provide for management in perpetuity. Prior to grading permit issuance, the applicant shall provide proof to the City of Oceanside Planning Division that such funds have been provided to the permanent responsible party.

If the on-site coastal sage scrub areas are used to mitigate impacts, the following shall be implemented:

- The onsite preserve shall be put under a Biological Conservation Easement (BCE) to provide long-term protection for the gnatcatcher and its habitat. This BCE should include all habitat that is not a manufactured slope and/or not under an existing easement.
- The BCE will be in favor of an agency, non-profit organization, or other entity approved by the USFWS. The USFWS will be named as a third-party beneficiary. The BCE will be approved by the USFWS prior to its execution. There should be no active trails in the BCE area. The project applicant will submit a draft easement to the USFWS for review and approval. The project applicant will submit the final BCE and evidence of its recordation to the USFWS within 60 days of receiving approval of the draft BCE.
- The open space will be managed, maintained, and monitored through implementation of a habitat management plan. The habitat management plan includes, but is not limited to, invasive species control, trash removal, biological monitoring, and fencing.
- Establishment of a non-wasting endowment or other financial instrument in a form and an amount approved by the USFWS based on a Property Analysis Record (PAR) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance and monitoring of the BCE area by an agency, non-profit organization, or other entity approved by the USFWS. The non-wasting endowment or other financial instrument be held by a non-profit conservation entity approved by the USFWS. The applicant will submit a draft plan including: 1) a description of perpetual management, maintenance, and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment; 2) proposed land manager's name, qualifications, business address, and contact information, to the USFWS. The applicant will submit the final plan to the USFWS and a contract with the approved land manager, as well as transfer the funds for the non-wasting endowment to a non-profit conservation entity, within 60 days of receiving approval of the draft plan.

MM-BIO-2: Nesting Bird Surveys. Construction-related ground-disturbing activities (e.g., clearing/grubbing, grading, and other intensive activities) that occur during the breeding season (typically February 1 through September 15) shall require a one-time biological survey for nesting bird species to be conducted within the limits of grading and a 500-foot buffer within 72 hours prior to construction. This survey is necessary to ensure avoidance of impacts to nesting raptors and/or birds protected by the federal Migratory Bird Treaty Act and California Fish and Game Code, Sections 3503 and 3513. If any active nests are detected, the area shall be flagged and mapped on the construction plans or a biological resources figure, and the information provided to the construction supervisor and any personnel working near the nest buffer. Active nests will have buffers established around

them (e.g., 250 feet for passerines to 500 feet for raptors) by the project biologist in the field with brightly colored flagging tape, conspicuous fencing, or other appropriate barriers or signage. The project biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. The project biologist may adjust the 250-foot or 500-foot setback at his or her discretion depending on the species and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation). However, if needed, additional qualified monitor(s) shall be provided in order to monitor active nest(s) or other project activities in order to ensure all of the project biologist's duties are completed. Once the nest is no longer occupied for the season, construction may proceed in the setback areas.

If construction activities, particularly clearing/grubbing, grading, and other intensive activities, stop for more than 3 days, an additional nesting bird survey shall be conducted within the proposed impact area and a 500-foot buffer.

Prior to the initiation of vegetation clearing activities outside of the nesting season, a coastal California gnatcatcher-permitted biologist will perform a minimum of three focused surveys, on separate days, to determine the presence of coastal California gnatcatcher nest building activities, egg incubation activities, or brood rearing activities. The surveys will begin a maximum of 7 days prior to project construction and one survey will be conducted the day immediately prior to the initiation of work. The Permittee will notify the U.S. Fish and Wildlife Service (USFWS) at least 7 days prior to the initiation of surveys and within 24 hours of locating any coastal California gnatcatchers.

To the maximum extent practicable, project construction within 500 feet of avoided gnatcatcher habitat will occur from September 1 to February 14 to avoid the gnatcatcher breeding season. If project construction within 500 feet of avoided gnatcatcher habitat must occur during the gnatcatcher breeding season, a minimum of three focused surveys, on separate days, will be conducted to determine the presence of gnatcatcher nests and one survey will be conducted the day immediately prior to the initiation of work. The applicant will notify the USFWS at least 7 days prior to the initiation of surveys and within 24 hours of locating any gnatcatcher nest. Survey results will be provided to the USFWS

If a California gnatcatcher nest is found in, or within 500 feet of project construction, the biologist will postpone work within 500 feet of the nest and contact the USFWS to discuss: (1) the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls); and (2) a nest monitoring program acceptable to the USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/ minimization approach and nest monitoring program. Nest success or failure will be established by regular and frequent trips to the site, as determined by the biologist, and through a schedule approved by the USFWS. The biologist will determine whether bird activity is being disrupted. If the biologist determines that bird activity is being disrupted, the Permittee will stop work and coordinate with the USFWS to review the avoidance/minimization approach. Coordination between the Permittee and USFWS to review the avoidance/minimization approach will occur within 48 hours. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring will continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the USFWS. ~~Additionally, any measures provided in the Habitat Conservation Plan shall take precedence over measures in this document.~~

MM-BIO-3: Biological Monitoring. To prevent inadvertent disturbance to areas outside the limits of grading for each phase, all grading of native habitat shall be monitored by a qualified biologist. A “Qualified Biologist” is a professional with 5 years of experience in biological resource evaluation in San Diego County, with qualifications to be verified to the satisfaction of the City Planner. The biological monitor(s) shall be contracted to perform biological monitoring during all clearing and grubbing activities.

The project biologist(s) also shall ~~perform the following duties:~~

- a. Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing and grubbing to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).
- b. During clearing and grubbing, the project biologist shall conduct meetings with the contractor and other key construction personnel each morning prior to construction activities in order to go over the proposed activities for the day, and for the monitor(s) to describe the importance of restricting work to designated areas and of minimizing harm to or harassment of wildlife prior to clearing and grubbing.
- c. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing and grubbing.
- d. Supervise and monitor vegetation clearing and grubbing weekly to ensure against direct and indirect impacts to biological resources that are intended to be protected and preserved and to document that protective fencing is intact.
- e. Flush wildlife species (i.e., reptiles, mammals, avian, or other mobile species) from occupied habitat areas immediately prior to brush-clearing activities. This does not include disturbance of nesting birds (see **MM-BIO-2**) or “flushing” of federally listed species (i.e., coastal California gnatcatcher).
- f. Periodically monitor the construction site to verify that the project is implementing the following stormwater pollution prevention plan best management practices: dust control, silt fencing, removal of construction debris and a clean work area, covered trash receptacles that are animal-proof and weather-proof, prohibition of pets on the construction site, and a speed limit of 15 miles per hour during daylight.
- g. Periodically monitor the construction site after grading is completed and during the construction phase to see that artificial security light fixtures are directed away from open space and are shielded, and to document that no unauthorized impacts have occurred.
- h. Keep monitoring notes for the duration of the proposed project for submittal in a final report to substantiate the biological supervision of the vegetation clearing and grading activities and the protection of the biological resources.
- i. Prepare a monitoring report after the construction activities are completed, which describes the biological monitoring activities, including a monitoring log; photos of the site before, during, and after the grading and clearing activities; and a list of special-status species observed.
- j. Be knowledgeable of gnatcatcher biology and ecology. The applicant will submit the biologist's name, address, telephone number, and work schedule on the project to the USFWS prior to initiating project impacts.
- k. Will be on site during within 500 feet of coastal sage scrub to be avoided.
- l. Will halt work, if necessary, and confer with the USFWS to ensure the proper implementation of gnatcatcher and critical habitat protection measures.

m. Will submit weekly letter reports (including photographs of impact areas) to the USFWS during project construction within 500 feet of avoided coastal sage scrub habitat. The weekly reports will document that authorized impacts were not exceeded, and general compliance with all measures. The reports will also outline the duration of gnatcatcher monitoring, the location of construction activities, the type of construction which occurred, and equipment used. These reports will specify numbers, locations, and sex of gnatcatchers (if present), observed vireo behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize potential impacts to gnatcatcher. Raw field notes should be available upon request by the USFWS.

a.n. Will submit a final report to the USFWS within 60 days of project completion that includes: as-built construction drawings with an overlay of habitat that was impacted and avoided, photographs of habitat areas that were to be avoided, and other relevant summary information documenting that authorized impacts were not exceeded and that compliance with all measures was achieved.

MM-BIO-4: Temporary Installation of Fencing. To prevent inadvertent disturbance to areas outside the limits of grading for each phase, the contractor shall install temporary fencing, or utilize existing fencing, along the limits of grading.

MM-BIO-5 Permanent Fencing and Signage. To prevent inadvertent disturbance to areas designated for permanent preservation, the applicant or their designee shall install permanent fencing and signage. The applicant will install permanent protective fencing along any interface with developed areas to deter human and pet entrance into on- or off-site habitat. Fencing should have no gates (except to allow access for maintenance and monitoring of the conservation easement areas) and be designed to prevent intrusion by pets, especially cats. Signage for the biological easement area will be posted and maintained at conspicuous locations. Plans for fencing and signage will be submitted to the USFWS for approval at least 30 days prior to initiating project impacts. Fencing will be installed prior to completion of project construction.

b) *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?*

Less Than Significant Impact with Mitigation.

Natural Communities

The proposed project would result in permanent direct impacts from development of the proposed project and the extension of S. Oceanside Boulevard.

The proposed project would permanently impact a total of approximately 10.3128 acres of natural vegetation communities, including 8.652 acres of Non-native Grassland, 1.004 acres of Disturbed habitat and 0.07 acres of Eucalyptus woodland. These impacts are summarized in Table 6.4-2, Permanent Impacts to Vegetation Communities and Land Covers, and shown on Figure 6.4-2, Impacts to Vegetation Communities and Landcovers.

Impacts to Urban/Developed, disturbed habitat and Eucalyptus Woodland are considered less than significant and no mitigation is required because those are not 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. Permanent impacts to 8.652 acres of non-native grassland are considered a potentially significant impact (**BIO-1**) because they are identified in the Draft Subarea Plan and requires mitigation per Table 5-2, Mitigation Standards for Impacts to Natural Vegetation and Habitat, in the Draft Subarea Plan (City of Oceanside 2010).

The permanent loss of this vegetation communities shall be mitigated to less than significant through the conservation of native habitats, as described in **MM-BIO-1** (Designation of Open Space), which would require for preservation of non-native grassland or another City-approved native vegetation community.

Critical Habitat

There are 4.204 acres of permanent impacts to designated critical habitat for coastal California gnatcatcher (Table 6.4-3, Impacts to Designated Critical Habitat for Coastal California Gnatcatcher) (Figure 6.4-3, Impacts to Special-Status Wildlife and Plants); however, these impacts are to non-native grassland, eucalyptus woodland, and disturbed habitat that do not provide primary constituent elements [PCEs]; therefore, the impacts to critical habitat that do not provide PCEs are considered a less-than-significant impact.

Table 6.4-3. Impacts to Designated Critical Habitat for Coastal California Gnatcatcher

Vegetation/Land Cover Type	Total Acreage in Biological Study Area	Temporary Impacts (acres)	Permanent Impacts (acres)
Designated Critical Habitat with Primary Constituent Elements (Significant Impact)			
Diegan coastal sage scrub	8.82	–	–
Designated Critical Habitat with No Primary Constituent Elements (Less Than Significant Impact)			
Disturbed habitat	3.50	0.05	0.204
Eucalyptus woodland	0.09	--	0.06
Non-native grassland	5.39	--	3.94
Non-native woodland	0.22	--	--
Urban/developed	0.13	--	--
Subtotal (No PCEs)	9.34	0.05	4.204

Source: Appendix B.

Short-Term Indirect Impacts

Potential short-term indirect impacts could affect natural communities including non-native grassland and Diegan coastal sage scrub in the biological study area (**BIO-4a**). Potential short-term indirect impacts would primarily result from construction activities and include impacts related to or resulting from the generation of fugitive dust; changes in hydrology resulting from construction, including sedimentation and erosion; and the introduction of chemical pollutants (including herbicides). These impacts shall be mitigated to **less than significant through MM-BIO-3** (Biological Monitoring) and **MM-BIO-4** (Temporary Installation of Fencing). Short-term indirect related impacts to natural communities would be reduced to less than significant because biological monitoring and temporary fencing during construction would ensure construction impacts are minimized and reduced because construction fencing would prevent grading outside of the identified project footprint.

Long-Term Indirect Impacts

Long-term (operation-related) or permanent indirect impacts could result from the proximity of the proposed project to natural communities after construction. Permanent indirect impacts that could affect natural vegetation communities include chemical pollutants, altered hydrology,¹ non-native invasive species, and increased human activity (**BIO-2b**). Each of these potential indirect impacts are mitigated to a **less than significant** level through **MM-BIO-5** (Permanent Fencing and Signage) and **MM-BIO-6** (Invasive Species Prohibition). By installing permanent fencing and signage, human activity would be minimized. And through prohibiting non-native plants on landscape plans, no such species would be introduced in the project area.

Mitigation Measures

MM-BIO-6: **Invasive Species Prohibition.** The final landscape plans shall be reviewed by the project biologist, City of Oceanside, and a qualified botanist to confirm there are no invasive plant species as included on the most recent version of the California Invasive Plant Council California Invasive Plant Inventory for the project region. In addition, any planting stock to be brought onto the project site for landscape or habitat creation/restoration/enhancement will be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Linepithema humile*), fire ants (*Solenopsis invicta*) and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the USFWS that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The applicant will ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape adjacent to the onsite preserve.

Riparian Habitat

Loma Alta Creek is located northwest of the project site, with the southern slope of the creek located within the project site. The slope is mapped as disturbed southern willow scrub. All portions of the creek below the ordinary high water mark, which are not located on the project site, would be regulated by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW). The project would not result in impacts to these regulated areas.

However, as described in Section 6.4(f), below, the proposed project would enhance approximately 0.58 acres of slope area in Loma Alta Creek, including the removal of invasive plant species, and would restore upland habitat on the south side of the creek. Because this slope would be enhanced, which includes removal of non-native species, the project is considered to have a potentially significant impact onto CDFW riparian habitat (**BIO-6**). However, these impacts would be considered beneficial impacts because they would involve enhancements to the existing conditions through invasive removals and restoration of upland/coastal sage scrub habitat.

¹ Hydraulic impacts of the proposed project are analyzed in Section 6.10 and were determined to be less than significant.

The proposed project would implement MM-BIO-2 (Biological Monitoring) and **MM-BIO-7** (Agency Permits) and **MM-BIO-8** (Habitat Restoration Plan) to require notification to CDFW. By notifying CDFW, the proposed project would be providing the regulating agency the opportunity to review project plans prior to any restoration activities in Loma Alta Creek. If, subsequent to notification, CDFW determines that a Streambed Alteration Agreement is required under Article 1600 et. seq. of the California Fish and Game Code, the proposed project would follow the regulatory requirements thereunder to ensure impacts are mitigated to less than significant.

Mitigation Measures

MM-BIO-7 **Agency Notification.** Prior to removal of non-native vegetation along the slope of Loma Alta Creek, the applicant or its designee shall notify CDFW of the proposed restoration and enhancement activity. If determined that such activities require a permit, the applicant or its designee shall obtain a California Department of Fish and Wildlife (CDFW) 1600 Streambed Alteration Agreement or concurrence from CDFW that an agreement is not required.

MM-BIO-8 **Habitat Restoration Plan.** The applicant shall prepare, or cause to be prepared a Habitat Restoration Plan. The Habitat Restoration Plan shall be prepared by a Qualified Biologist pursuant to the performance criteria and the Draft Subarea Plan's (City of Oceanside 2010) applicable framework preserve management guidelines. A "Qualified Biologist" is a professional with 5 years of experience in biological resource evaluation in San Diego County, with qualifications to be verified to the satisfaction of the City Planner.

Prior to the issuance of any grading permit, the applicant shall provide evidence to the City of Oceanside Planning Division that 0.58 acres of riparian and upland habitat intended to be restored to Diegan coastal sage scrub or other City-approved native vegetation community are provided as mitigation to the satisfaction of the City. Performance standards for Diegan coastal sage scrub restoration will include creating Diegan coastal sage scrub with at least 75% vegetative cover.

Monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts, with the third year demonstrating the performance standards are met. The Monitoring Reports shall be completed by a Qualified Biologist, and shall include an evaluation of habitat pursuant to the performance criteria.

In addition, the applicant shall provide a performance bond to the City prior to the issuance of a grading permit to ensure the completion of the restoration. The habitat restoration site shall (1) be protected by a conservation easement or other City-approved mechanism that provides preservation in perpetuity, (2) have a permanent responsible party clearly designated, and (3) be managed in accordance with a Habitat Management Plan in perpetuity. The Habitat Management Plan shall be prepared by a Qualified Biologist pursuant to the performance criteria and the Draft Subarea Plan's (City of Oceanside 2010) applicable framework preserve management guidelines.

The Habitat Management Plan shall also include a Property Analysis Record (PAR) to identify yearly maintenance and monitoring costs pursuant to meeting those performance criteria, as well as identify an initial management fund endowment to provide for

management in perpetuity. Prior to grading permit issuance, the applicant shall provide proof to the City of Oceanside Planning Division that such funds have been provided to the permanent responsible party.

Restoration activities shall be completed in accordance with a Habitat Restoration Plan. Prior to issuance of a grading permit, proof of the initiation of the habitat restoration must be provided to the City.

With implementation of MM-BIO-6, MM-BIO-7, and MM-BIO-8, the project effects 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 would result be reduced to less than significant.

- c) ***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?***

Less Than Significant with Mitigation. According to the National Wetlands Inventory (USFWS 2019b), no wetlands are mapped on site.

A wetlands delineation was performed in accordance with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual (USACE 1987), the USACE/EPA Rapanos guidance (USACE and EPA 2007), the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (USACE 2008a), A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States: A Delineation Manual (USACE 2008b), and the Updated Datasheet for the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (USACE 2010). The Field Indicators of Hydric Soils in the United State (USDA 2018) and Arid West 2016 Regional Wetland Plant List (Lichvar et al. 2016) were used to support the delineation. Waters, including wetlands, regulated by RWQCB typically include those identified following the USACE guidance. Streambeds regulated by CDFW typically include non-wetland waters mapped for USACE, and riparian habitat includes hydrophytic vegetation adjacent to streambeds.

One drainage feature on the eastern portion of the property was mapped in the Diegan coastal sage scrub. This 0.04-acre feature is approximately 531 feet long and ranges from 2 to 5 feet wide. It is an erosional feature that originates at the Diegan coastal sage scrub and disturbed habitat edge north of Grandview Street (Figure 6.4-2, Vegetation Communities and Landcovers and Jurisdictional Delineation). The feature generally drains runoff from the southeast to the northwest and deposits water and sediment into the disturbed habitat just to the north of the project site, east of Crouch Street where it dissipates into the ground. There are no storm drains, culverts, or existing channels in this area.

There are two additional features within the project site and off-site area that were identified during site visits. One feature is a man-made swale that bisects the non-native grassland near the northwest portion of the project site. The 0.34-acre feature is 460 linear feet and averages 28 feet in width. This man-made feature lacks hydrological indicators, including hydrophytic vegetation and evidence of surface flow. There is a concrete culvert at the north end of the feature that is situated slightly higher than the feature; no staining, water marks, or any other signs of hydrology were evident on the culvert. A water line is located below this swale and an easement runs through this portion of the site (City of Oceanside 2019). This swale exists because the City of Oceanside

would not allow the property owner to place fill over the waterline easement when the site was graded and filled between 1964 and 1989. The as-built grading plan indicates that berms were built to prevent any runoff from entering this swale except direct rainfall and North County Transit District later moved the berms and added erosion control measures related to drainage of the eastern portion of the graded pad. The culvert drains into the City's storm drain system, which ultimately outlets into Loma Alta Creek.

The second feature is a drainage ditch just west of the project site boundary that is located within a portion of the off-site improvement area for the extension of S. Oceanside Boulevard. It is concrete-lined for the majority of the length, but the concrete breaks up, and the ditch is earthen-bottomed at the very northern extent. Similar to the swale, it was constructed in uplands and drains runoff from the residential development just south/southwest of it. A brow ditch located south of the ditch collects sheet flow and irrigation runoff from the residential development drains into the ditch as well, although the flow is via sheet flow because there is no defined ditch or feature connecting the brow ditch and the concrete-lined ditch. There is an underground sewer line that runs from the residential development down slope and is located beneath the constructed ditch (City of Oceanside 2019). The ditch outlets into Loma Alta Creek.

CDFW and RWQCB staff in September 2019 and May 2020. CDFW and RWQCB both stated that these features would not be regulated by either agency. On May 27, 2020, USACE issued an Approved Jurisdictional Determination stating that waters of the United States do not occur on the biological study area. Therefore, the proposed project would not have direct impacts 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. Therefore, direct impacts to state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means are considered less than significant.

Short-Term Indirect Impacts

As stated above, there are no wetlands within the study area. Potential short-term or temporary indirect impacts to state or federally protected wetlands adjacent to the biological study (i.e., Loma Alta Creek, outside/north of the project study area) area would primarily result from construction activities and include impacts related to or resulting from the generation of fugitive dust; changes in hydrology resulting from construction, including sedimentation and erosion; and the introduction of chemical pollutants, including herbicides (**BIO-7a**). Potential short-term indirect impacts that could affect jurisdictional aquatic resources within, or adjacent to, the biological study area shall be mitigated to **less than significant** through **MM-BIO-2** (Biological Monitoring) and **MM-BIO-4** (Temporary Installation of Fencing), which would ensure that during construction, appropriate monitoring and fencing was in place to minimize impacts to state or federally protected wetlands. With implementation of MM-BIO-2 and MM-BIO-4, short term indirect impacts would be mitigated and the proposed project would not 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.

Long-Term Indirect Impacts

Long-term (operation-related) or permanent indirect impacts could result from the proximity of the proposed project to jurisdictional aquatic resources after construction. Permanent indirect impacts that could affect jurisdictional aquatic resources include chemical pollutants, altered hydrology, non-native invasive species, and increased human activity (**BIO-7b**). These impacts shall be mitigated to **less than significant** through

MM-BIO-5 (Permanent Fencing and Signage) and **MM-BIO-6** (Invasive Species Prohibition), which would ensure fencing and signage are installed to prevent intrusion into off-site wetland areas, and that non-native, invasive species weren't introduced to the project site, which could impact state or federally protected wetlands. With implementation of MM-BIO-5 and MM-BIO-6, long term indirect impacts would be mitigated and the proposed project would not 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

- d) *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?*

Less Than Significant with Mitigation. The project site is located outside of the Wildlife Corridor Planning Zone designated by the Draft Subarea Plan (City of Oceanside 2010). The site is surrounded by development, which limits movement of larger mammals. While relatively isolated from large undeveloped areas and other preserves, the Diegan coastal sage scrub supports coastal California gnatcatcher and likely serves as a stepping-stone for dispersing individuals as well as habitat for the resident pairs. Two pairs of coastal California gnatcatchers were documented nesting on site during the 2019 surveys.

The portion of the project site proposed to be developed is characterized by non-native grasslands and developed or disturbed habitat. The site is not considered a native wildlife nursery site, nor is one located within proximity to the project site. Over 8 acres of Diegan coastal sage scrub would remain undisturbed on site. Therefore, implementation of the proposed project would not impede the use of a native wildlife nursery site.

Because the proposed project is outside any native resident wildlife corridors, will not impeded use of native wildlife nursery sites, will comply with all applicable laws regarding protection of migratory birds, enhance Loma Alta Creek and preserve approximately 7.7 acres of coastal sage scrub, the proposed project would have a less than significant direct impact as it will not substantially interfere 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.

Short-Term Indirect Impacts

Short-term indirect impacts to habitat connectivity and wildlife corridors could result from increased human activity (**BIO-8a**). Project construction would occur during the daytime and would not affect wildlife species such as mammals that are most active in evenings and nighttime. Wildlife species such as birds, rabbits, and lizards are active in the daytime, but use a variety of habitats and could continue using other areas within and adjacent to the biological study area for wildlife movement. These impacts shall be mitigated to **less than significant** through **MM-BIO-3** (Biological Monitoring) and **MM-BIO-4** (Temporary Installation of Fencing).

Long-Term Indirect Impacts

Long-term indirect impacts include increased human activity and lighting. The proposed development will contain 295 apartment units and 3,000 square feet of commercial/retail. Increased human activity can deter wildlife from using habitat areas near the proposed project footprint (**BIO-8b**). However, the proposed development is situated in a previously graded area with existing human disturbance. The native vegetation

areas (i.e., Diegan coastal sage scrub) will be located within an open space easement and managed to reduce minimize human activity in those areas. Additionally, lighting will be directed downward and away from the open space easement where wildlife occurs in more abundance. The buildings and parking areas would include lighting designed to minimize light pollution and preserve dark skies, while enhancing safety, security, and functionality.

These impacts shall be mitigated to **less than significant** through **MM-BIO-5** (Permanent Fencing Installation) and **MM-BIO-6** (Invasive Species Prohibition), which would ensure fencing and signage are installed to prevent intrusion into off-site wetland areas, and that non-native, invasive species weren't introduced to the project site. Therefore, the proposed project would not 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

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

Less Than Significant. The City's General Plan Land Use Element contains environmental resource management objectives and policies pertaining to biological resources (City of Oceanside 1986). 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 species 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 is 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.

In accordance with General Plan Policy 3.11A, a biological survey report was completed for the project (Appendix B), and the result of its analysis has been incorporated into this SCEA. 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 surveys to identify biological resources potentially impacted by the proposed project 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 B and in this section, the proposed project would have potentially significant impacts to sensitive biological resources (Diegan coastal sage scrub and non-native grassland). Appropriate mitigation measures in compliance with the Draft Subarea Plan and applicable federal, state, and local codes are required and incorporated into this SCEA. Thus, the project is in compliance with General Plan Policy 3.11C.

The portions of the site proposed for development do 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. Thus, the project would be in compliance 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. The proposed project would be required to comply with these requirements. The only trees on the project site are Eucalyptus trees, which are common. The proposed project would replace these at a greater than 1:1 ratio based on the landscape plan, which calls for trees to be planted throughout the project site.

Overall, the proposed project would not conflict with any local policies or ordinances protecting biological resources, and impacts would be **less than significant**.

f) ***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?***

Less Than Significant. The City of Oceanside Draft Subarea Plan has been prepared and is used as a guidance document for development projects in the City of Oceanside, but the Draft Subarea Plan has not been approved or permitted (City of Oceanside 2010). Thus, this consistency analysis is provided for informational purposes.

The Draft Subarea Plan describes hardline preserves as areas specifically targeted for future preservation through the application of the Draft Subarea Plan standards and policies. Hardline preserves are also considered part of Focused Planning Areas. Preserve areas within the Draft Subarea Plan area prohibit the following land uses: all forms of development, agricultural uses, active recreation, mineral extraction, landfills, itinerant worker camps, roads or other transportation facilities, most flood control projects, and brush control or fuel management, except for existing firebreaks that must be maintained for safety reasons within 100 feet of existing buildings (City of Oceanside 2010). Any implementation of these prohibited land uses within the preserve would require written concurrence from the City and Wildlife Agencies through an amendment process. Conditionally allowed land uses in preserve areas include passive recreation (i.e., hiking, birdwatching, and fishing); utility projects that include full restoration of temporarily impacted habitat, flood control, or siltation basins that support natural vegetation and habitat value; and maintenance of existing firebreaks adjacent to existing buildings.

The southern portions of the project site are located within a draft “hardline” preserve (Figure 6.4-4, Regional Context). These areas are entirely located on the north-facing slopes between the proposed project and Crouch Street. These slopes, as discussed herein, are predominantly composed of Coastal Sage

Scrub and are occupied by coastal California gnatcatcher. The proposed project has been designed to avoid impacts to these slopes and would preserve these areas through implementation of MM-BIO-1, consistent with intent of the Draft Subarea Plan for Hardline preserve areas.

According to Section 5.2.4 of the Draft Subarea Plan (City of Oceanside 2010), development or other discretionary actions are proposed in or adjacent to riparian habitats (not including the San Luis Rey River), the riparian area and other wetlands or associated natural habitats shall be designated as biological open space and incorporated into the Preserve. In addition, a minimum 50-foot biological buffer, plus a minimum 50-foot planning buffer (total width of both equals 100 feet) shall be established for upland habitats, beginning at the outer edge of riparian vegetation. The planning buffer serves as an area of transition between the biological buffer and specified land uses on adjoining uplands. Foot paths, bikeways, and passive recreational uses may be incorporated into planning buffers, but buildings, roads, or other intensive uses are prohibited. The following uses are prohibited in the 50-foot biological buffer: (1) new development; (2) foot paths, bikeways, and 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 50-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 Draft Subarea Plan has not been finalized. Further, these proposed buffers and setbacks are subject to reduction based on approval from the City and wildlife agencies.

The proposed project includes the connection of S. Oceanside Boulevard from its existing terminus through the project site, connecting to Crouch Street, consistent with the City of Oceanside General Plan Circulation Element. South Oceanside Boulevard would become a dedicated public street providing additional east-west circulation as contemplated by the General Plan. This connection is required for access and frontage purposes, and also serves to relieve traffic at the Oceanside Boulevard/Crouch Street intersection. This extension of S. Oceanside Boulevard does not encroach on any designated wetlands. Because of the existing terminus of S. Oceanside Boulevard on the west side of the project site and the partial improvements serving the NCTD Sprinter Station on the east-side of the project site, the S. Oceanside Boulevard cannot be relocated southerly out of the biological buffer contemplated by the Draft Subarea Plan.

To minimize impacts to the wetlands buffer, the proposed street section for S. Oceanside Boulevard was designed to be as narrow as possible, while still meeting City requirements. Design considerations included removing parking from S. Oceanside Boulevard, eliminating the landscaped parkway and sidewalk along the north side of S. Oceanside Boulevard, and providing a “sharrow” bike lane. Based on the minimized right-of-way, the proposed wetland buffer will range in width from 30 to 47 feet, as depicted in Figure 6.4-5.

The width of the buffer has been maximized based on the constraints caused by the existing terminus of S. Oceanside Boulevard on the east and west sides of the project site. The project proposes restoration and enhancement on the north side of S. Oceanside Boulevard, as well as installing fencing and signage to restrict access to Loma Alta Creek. The City and wildlife agencies agreed to a reduced buffer with restoration and enhancement along Loma Alta Creek because that work, in combination with the measures required by the Buffer Restoration Plan and the imposition of MM-BIO-8 and PDF BIO-2 that the project impacts would be less than significant. Appendix A of the Biological Technical Report includes the Biological Open Space and Wetland Buffer Restoration Plan.

Overall, through the project's design and proposed enhancements within the buffer setback, as well as implementation of mitigation measure MM-BIO-8, the project would be consistent with the Draft Subarea Plan, and the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, project impacts are **less than significant**.

f) ***Cumulative Impacts?***

Less Than Cumulatively Considerable. The cumulative biological study area consists of the coastal area of the North County MSCP (City of Oceanside 2010), as it represents the regional area with similar habitats and species as the project site.

No special-status plant or wildlife species would be directly impacted by the proposed project. In addition, the project would not directly impact jurisdictional habitats. The project would also avoid indirect impacts to native habitats through compliance with City's standard measures, project specific mitigation measures and other regulations.

The project would have potential direct and impacts related to impacts to sensitive non-native grasslands habitats), direct impacts to nesting birds, indirect impacts to nesting birds, short and long-term direct and indirect impacts to sensitive plants and animals, indirect short- and long-term impacts to jurisdictional waters, and indirect short- and long-term impacts to wildlife corridors (**BIO-8**). The project would implement **MM-BIO-1** through **MM-BIO-8** to reduce these potential impacts to below a level of significance. The proposed project would also be in compliance with the Migratory Bird Treaty Act, and the City of Oceanside Draft Subarea Plan and City General Plan goals and policies.

Short- and Long-term indirect effects are not considered cumulatively considerable because these would occur in the immediately vicinity of the project site. No other related projects are immediately adjacent to the project site. One project, the Grandview Estates, is near the project site however, it is not adjacent to the slopes occupied by coastal California gnatcatcher and is not expected to have either direct or indirect impacts to this area

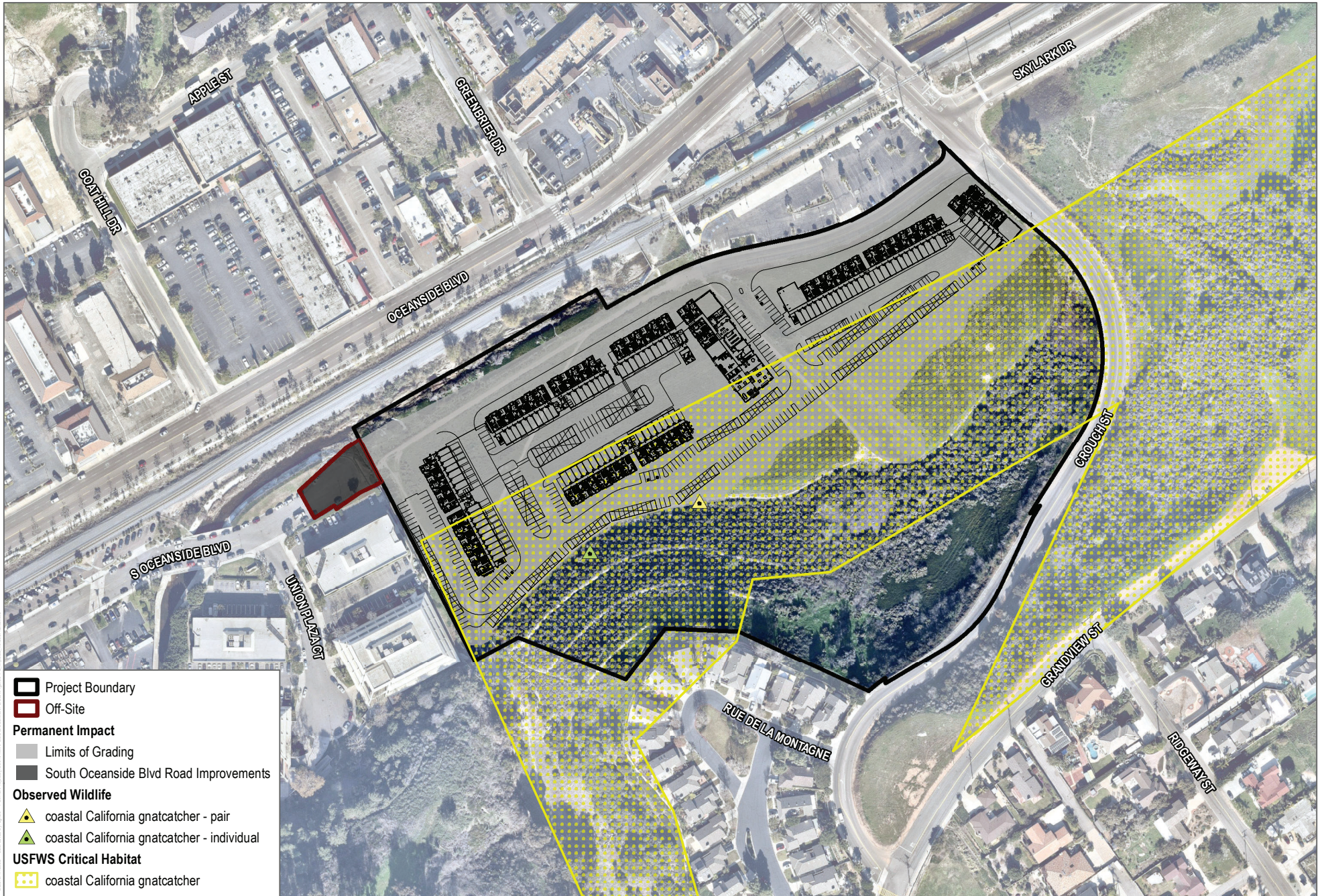
Therefore, the proposed project's contribution to cumulative impacts would be related to nesting birds and non-native grassland in combination with other projects impacts to these resources within the City would not be cumulatively considerable with the incorporation of measures required by the Draft Subarea Plan, and other applicable regulations. Like the project, all reasonably foreseeable cumulative projects within this area would also be required to conform to existing regulations with respect to avoidance, minimization, and mitigation of impacts to sensitive habitat, achieving no-net-loss of wetlands and like/kind replacement for impacts to sensitive habitat that cannot be avoided. In conclusion, the proposed project's contribution to cumulative impacts to biological resources would be **less than significant**.



SOURCE: USFWS 2020; SANGIS 2020, 2022

FIGURE 6.4-1
Special-Status Wildlife and Plants
 Ocean Creek Mixed Use Apartments

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SOURCE: Fuscoe 2021; USFWS 2021; SANGIS 2017, 2022

FIGURE 6.4-2
Impacts to Special-Status Wildlife and Plants
 Ocean Creek Mixed Use Apartments

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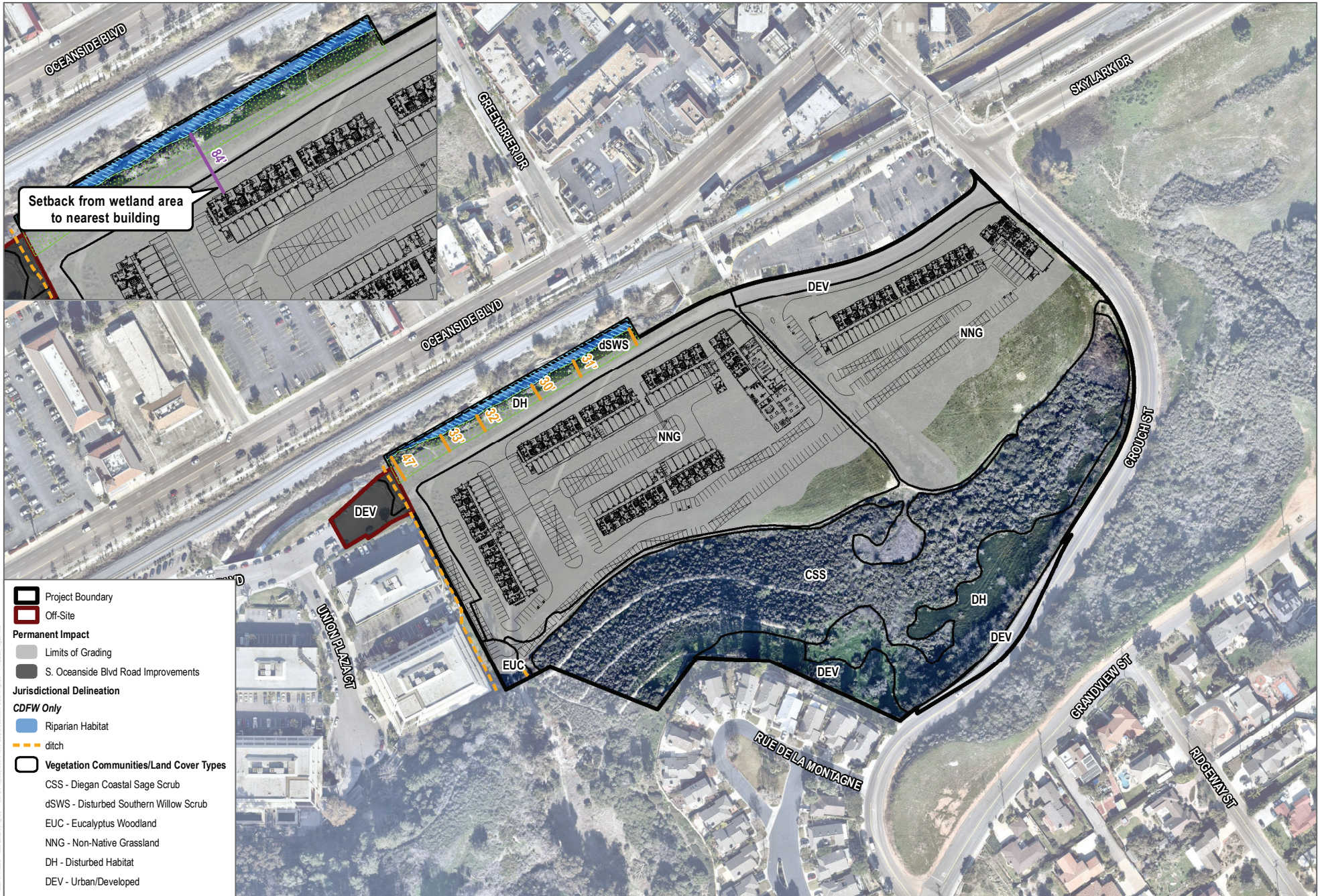
SOURCE: SANGIS 2020, 2022



FIGURE 6.4-3
Vegetation Communities and Landcovers and Jurisdictional Delineation

Ocean Creek Mixed Use Apartments

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SOURCE: Fuscoe 2021; SANGIS 2020, 2022

FIGURE 6.4-4

Impacts to Vegetation Communities, Landcovers, and Jurisdictional Delineation

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SOURCE: Fuscoe 2022; CDFW 2020; USFWS 2020; City Oceanside 2018; SANGIS 2020, 2022



FIGURE 6.4-5

Regional Context

Ocean Creek Mixed Use Apartments

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SOURCE: Fuscoe 2021; City Oceanside 2018; SANGIS 2017, 2020

FIGURE 6.4-6
Proposed Restoration and Enhancement Areas
 Ocean Creek Mixed Use Apartments

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SOURCE: Fuscoe 2021; City Oceanside 2018; SANGIS 2020, 2022

FIGURE 6.4-7
Open Space Easement
 Ocean Creek Mixed Use Apartments

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