

**FINDINGS REGARDING SIGNIFICANT EFFECTS PURSUANT
TO STATE CEQA GUIDELINES SECTIONS 15090, 15091 AND
15093**

Alta Oceanside Project

**Tentative Map (RT19-00001), Development Plan (RD19-00001),
Regular Coastal Permit (RRP 19-00001),
and Request for Density Bonus**

SCH No. 2019050007

April 2020

CEQA Findings and Statement of Overriding Considerations

INTENTIONALLY LEFT BLANK

CEQA Findings and Statement of Overriding Considerations

I. INTRODUCTION

The Community Development Commission (“CDC”) of the City of Oceanside (“City”) hereby certifies that the CDC has reviewed and considered the information contained in the Final Environmental Impact Report (“EIR”), identified below, for the Alta Oceanside project (“project” or “proposed project”). The CDC further certifies that the Final EIR has been completed in compliance with the California Environmental Quality Act (“CEQA”), Public Resources Code §§21000 et seq., the State CEQA Guidelines, California Code of Regulations, Title 14, §§15000 et seq. (“CEQA Guidelines”), and City requirements, and that the Final EIR reflects the independent judgment of the CDC (Pub. Resources Code § 21082.1(c)(3)). In certifying the Final EIR as adequate under CEQA, the CDC hereby adopts these CEQA Findings and Statement of Overriding Considerations.

These findings and statement of overriding considerations address the environmental effects associated with the project, which is located in the western portion of the City. Interstate 5 and State Route 76 are both approximately 0.1 miles to the east of the project site. These findings and the statement of overriding considerations are made pursuant to CEQA, specifically Public Resources Code sections 21081, 21081.5, and 21081.6; and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), specifically sections 15091 and 15093. The potentially significant effects of the project were identified in both the Alta Oceanside Draft EIR (December 2019) and Final EIR (April 2020) (collectively, “Final EIR”).

Public Resources Code section 21081 and State CEQA Guidelines section 15091 require that the lead agency, in this case the City of Oceanside, prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Specifically, State CEQA Guidelines section 15091 states, in part, that:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

CEQA Findings and Statement of Overriding Considerations

If significant impacts cannot be mitigated to less than significant levels, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its significant unavoidable environmental impacts when determining whether to approve the project. (Pub. Resources Code, § 21081, CEQA Guidelines § 15093.) If the benefits of a proposed project outweigh the significant unavoidable adverse environmental impacts, the adverse effects may be considered “acceptable.”

The Final EIR for the project identified potentially significant effects that could result from project implementation. However, the CDC finds that the inclusion of certain specified mitigation measures as part of the project approval will reduce many, but not all, of those effects to less-than-significant levels. Those impacts not reduced to less-than-significant levels are identified as impacts to: transportation; which impacts are overridden due to specific project benefits. (See Section VIII, Statement of Overriding Considerations, below).

Therefore, in accordance with CEQA, Pub. Resources Code, § 21081, and the CEQA Guidelines, sections 15091 and 15092, the CDC certifies the Final EIR for the Alta Oceanside project, adopts these findings, the statement of overriding considerations, and the attached Mitigation Monitoring and Reporting Plan (“MMRP”), and approves the Alta Oceanside project. In adopting the MMRP for the project, the CDC finds that the MMRP meets the requirements of Public Resources Code section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

The CDC further, based on separate findings, adopts the following related project approvals to facilitate implementation and development of the Alta Oceanside project: (i) Tentative Map, (ii) Mixed-Use Development Plan, (iii) Regular Coastal Permit, and (iv) Request for Density Bonus.

A. Project Description

1) Project Location

The 5.31-acre project site is a previously developed and/or disturbed area located in the western portion of the City, which is within the northwestern portion of San Diego County. Interstate 5 and State Route 76 are both approximately 0.1 miles to the east of the project site. The site is comprised of vacant and developed properties including five Assessor Parcels (143-040-20, -22, -23, -26, and -54) located on the west side of North Coast Highway, which is a north/south roadway through the City, with connections to State Route 76 and Interstate 5. The northern portion of the project site includes Costa Pacifica Way (a private driveway), which currently serves as ingress/egress access for the project site and the Seacliff condominiums (Renaissance Terrace) pursuant to an existing easement. Costa Pacifica Way also includes easements for public pedestrian and bicycle access. Existing buildings on the project site include a commercial entertainment use known as the Main Attraction. Other buildings onsite have had various service and sales uses in the past but are currently fenced and do not have operating businesses. The western area of the project site was developed in the past. Aerial

CEQA Findings and Statement of Overriding Considerations

photography from 1953 shows a roadway, structure, and parking on that portion of the project site. However, this area has been largely vacant since 1974.

Uses in the vicinity of the project site include a mix of residential, hotel, and commercial uses. To the north of the project site is an existing hotel use (Rodeway Inn) consisting of two one-story buildings and one three-story building and associated surface parking. To the west and southwest of project site is a mobile home community (MiraMar) with single-story structures and a network of asphalt roads. The northwest corner of the project site abuts the existing Seacliff condominiums development consisting of two five-story, multi-family buildings with internal parking structures. To the south of the project site are existing hotel uses and associated surface parking. Currently the site shares a driveway curbcut with the La Quinta Inn, but the driveway is separated by a concrete masonry wall located on the property line. A portion of the San Luis Rey River corridor and associated trail is located off-site on the other side of Costa Pacifica Way beyond the northwestern most corner of the project site. The San Luis Rey River corridor includes a native habitat conservation area and a two-way asphalt bicycle path. Located east across from the project site on North Coast Highway are existing commercial and public uses; In-N-Out Burger; the Oceanside Chamber of Commerce and California Welcome Center, Oceanside.

2) Summary of Project Description

The project proposes a mixed-use residential and commercial development on a 5.31-acre site located in the Downtown District of the City of Oceanside, California. The proposed project will include 309 multifamily dwelling units (of which, 26 will be designated for very low-income households) and approximately 5,422 square feet of commercial uses, as well as associated amenities (Figure 3-1, Site Plan). The proposed uses will be included in one building that wraps around a parking structure. The project also includes supporting infrastructure improvements.

The proposed mixed-use project includes residential and commercial uses within a 5-story building. The project also includes supporting amenities, including recreation, and open space and landscaping. In accordance with the City's zoning regulations, the property development regulations for this project are established through the Mixed-Use Development Plan as part of the Development Plan application (City of Oceanside n.d.). The Mixed-Use Development Plan standards proposed for the project use the City's Base Downtown District Regulations for Residential and Nonresidential land uses as a guideline, modified in accordance with Density Bonus law. As the project proposes 26 very low-income units, the Density Bonus Law requires the City to grant two incentives/concessions and unlimited waivers. The project is requesting one incentive to eliminate the daylight plane setback above 12 feet, and one to reduce parking space dimension for clearance at a vertical obstruction from 1 to 0.5 foot.

CEQA Findings and Statement of Overriding Considerations

a. Project Components

- **Residential:** The project proposes 309 units, including 182 one-bedroom, 114 two-bedroom, and 13 three-bedroom units. The project is a Density Bonus project, and 26 of the proposed units will be affordable (very-low-income) units. The units will range in size from approximately 600 to 1,350 square-feet, and each unit will have an exterior balcony or patio. Given the site's 5.31 acres and the permitted base density of 43 units per acre, the project will have an allowed base units of 228.33 or 229 units. With the 35% bonus provided in accordance with State Density Bonus law, an additional 80 "bonus density" units are proposed.
- **Commercial:** The project also includes approximately 5,422 square-feet of commercial retail space on the street level fronting on North Coast Highway. The space will be suitable for restaurant, retail or visitor uses, and will have access to both North Coast Highway and the proposed public plaza serving as the entry to the building.
- **Recreational Amenities and Open Space:** The project proposes a variety of recreational and convenience amenities for the residents. The outdoor courtyards provide three different types of recreation; active, passive, and fitness. There will be an approximately 2,300-square foot fitness center connecting to the fitness courtyard. The western courtyard will have a lap pool surrounding by lounge space. A pass-through club area will separate the western and central courtyards with a catering kitchen, seating area, and a special event space. The central courtyard will include barbecues, dining, and lounging areas. Outdoor speakers for music during the day will be provided in the courtyards. A library amenity provides conference room and co-working space. There will also be a fifth-floor view deck between the central and fitness courtyards providing residents another recreational open space amenity, as described further below. The amenity spaces may hold events for residents during the daytime hours (7 am to 10 pm), in accordance with the City noise standards.

Approximately 30% of the project site is planned as open space. A total of approximately 42,900 square-feet of common open space is proposed, which consists of courtyards, roof deck, and non-street side yards. Each unit will have private balconies or patio open space, which will provide approximately 22,800 square-feet of open space. Overall, a total of 65,700 square feet of open space will be provided. This equates to 213 square-feet of open space per unit, where 200 square-feet of open space per unit is required.

- **Landscaping and Walls:** The landscape concept is designed to provide distinct visual character and to enhance the project. Approximately 30% of the project site will be landscaped. An improved streetscape with wide sidewalks and street tree plantings provides a welcoming frontage to the project and meets the goals of the Coast Highway Corridor Study (City of Oceanside 2019). The public entry plaza off of North Coast Highway will include landscaping with the intention of creating a pedestrian-oriented area. Plantings in the courtyards

CEQA Findings and Statement of Overriding Considerations

complement and enhance the architectural style. Water conserving landscaping and efficient irrigation design will be utilized, along with consideration of aesthetic and functional requirements for the site. All selected plant materials are California Invasive Plant Council (Cal-IPC) non-invasive.

The project will include fencing and privacy hedges along the perimeter of the site in order to control access and provide visual screening. Masonry walls with vinyl fencing will be located on the shared boundary with the MiraMar mobile home community to the south and west of the property. Approximately 700 feet of retaining walls with varying height will be necessary along both the north and south edges of the property due to changes in topography, and to maintain American with Disabilities Act access. Masonry walls with vinyl fencing as well as a privacy hedge will be placed along the western and a portion of the southern and eastern edges of the property. The solid fencing will provide for initial privacy along the property boundary, and the hedge species were selected so that the hedge will be maintained at a target height of 12-feet tall to provide additional landscape screening above the wall. Decorative tube steel fencing will enclose the pool for safety purposes, and burnished block walls will mark the terminus of each courtyard.

- **Architectural Design:** The project will have an architectural style described as “California Coastal” with clean lines, an animated façade, and variation of materials. Treatments include light, warm, neutral colors. Elevations will be accented with vertical board and batten in a contrasting color, and stone veneers and metal canopies to highlight the commercial area. Proposed building material finishes include plaster walls, stone veneer and balcony guardrails, with varied window orientations for visual interest and articulation. Rooftop mechanical equipment will be concealed from exterior views by parapet walls. The proposed building roofline and parapet walls will be a maximum of 59 feet above grade, which is less than the 65-foot zoning code height limit. Rooftop access stair towers will be 64.5 feet above grade, and the top of the proposed elevator shafts will be 69.5 feet above grade, which is below the 75-foot height limit allowed for such elevators per Section 3018 of the zoning code. The proposed building will meet the minimum 10-foot side and corner setbacks, the 45-foot setback from the centerline of North Coast Highway, and the 10-foot rear setback set by the zoning code (Section 1232(I)). The project is requesting one incentive to eliminate the daylight plane setback above 12 feet that is applied where adjacent to a residential district boundary. The project design is intended to promote the use of outdoor space and pedestrian usage. Glass façade and exterior balconies promote an indoor/outdoor usage, and the three primary outdoor areas will be southern-facing courtyards. The proposed rooftop deck will have views to the south. A large plaza with steps along North Coast Highway will be open to the public and is designed to encourage pedestrian usage.

All outdoor lighting will meet Chapter 39 of the City Municipal Code (light pollution ordinance) and will be shielded appropriately. Outdoor lighting will be low emission, shielded

CEQA Findings and Statement of Overriding Considerations

and directed away from all property lines. A lighting plan detailing fixture type and specifications will accompany the building permit drawings.

- ***Vehicular Circulation and Access:*** The project site is along North Coast Highway and located south of State Route 76 interchange with Interstate (I) 5. The northern portion of the project site includes Costa Pacifica Way (a private street) which currently serves as ingress/egress access for the project site and the Seacliff condominiums.

Costa Pacifica Way will provide the primary vehicular access to the proposed project, including access to the parking structure, residential move-in, small commercial loading, and trash truck access. The southern portion of the project site will include a 28-foot wide private drive accessible from North Coast Highway for surface parking, drop-off, and emergency vehicle access. This southern driveway will be located adjacent to the property line, and will continue to share a curb cut with the adjacent La Quinta Inn property.

The project proposes improvements to Costa Pacifica Way. The project will widen the eastern segment in order to add a second approach lane on Costa Pacifica Way, in the form of a dedicated right turn lane, at its intersection with North Coast Highway. Additional widening will be provided along the northern boundary to provide a designated staging area for fire truck use, and existing sidewalks will be modified as necessary to maintain pedestrian connections along this private street. The project also includes the installation of a bulb-out, a Continental pedestrian crossing, and flashing beacons at the North Coast Highway/Costa Pacifica Way intersection.

The project proposes improvements to North Coast Highway frontage including right-of-way dedication, expanded sidewalk, and street trees. In addition, the project mitigation MM-TRF-1 and MM-TRF-2 median improvements along North Coast Highway are consistent with the Oceanside General Plan Circulation Element (City of Oceanside 2012), as described further in Section 4.5, Traffic and Circulation, of the Final EIR. These measures include the installation of raised medians on North Coast Highway, between Costa Pacifica Way and the southerly In-N-Out driveway; a dedicated left turn lane at North Coast Highway/Costa Pacifica Way; “Keep Clear” markings noted at North Coast Highway at Costa Pacifica; turn restrictions at the southerly In-N-Out driveway. In addition, the existing striped median/two-way left turn lane on North Coast Highway will be converted to a dedicated northbound left turn lane, and the existing dedicated southbound turn lane into Costa Pacifica Way will be maintained.

A Fire Access Plan has been prepared to address required emergency access for the project site. Four proposed hydrants will service the project site; one located to the north of Costa Pacifica Way, one located at the corner of Costa Pacifica Way and North Coast Highway, and two located along the southern private drive/fire lane. With the proposed hydrants, all areas of the site will be within 400-foot hydrant spacing. As a benefit of the project, the southwesterly hydrant and fire lane have been located to enhance fire access to the adjacent mobile home community, which presently has no internal fire hydrants. The hydrant and fire lane are located

CEQA Findings and Statement of Overriding Considerations

to facilitate hose pull and firefighter access from the project site into the mobile home community, via two firefighter access gates through the boundary fence that will each have restricted Knox locks. Please refer to Section 4.5, Traffic and Circulation, of the Final EIR for additional information.

- ***Pedestrian Circulation and Access:*** Pedestrian access is provided by sidewalks on North Coast Highway, Costa Pacifica Way, and the southern private drive. An interior walkway network is also provided, which consists of an approximately five-foot wide concrete walkway along the western and southern edge of the building with connections to internal courtyards and North Coast Highway. There is existing public pedestrian and bicycle access to the San Luis Rey River Trail along Costa Pacifica Way that will remain with the implementation of the project. This existing ADA accessible sidewalk connection from North Coast Highway, is along the south side of Costa Pacifica Way, and has a “switchback” route down to the Seacliff condominium development frontage. The bicycle access easement is within the paved street portion of Costa Pacifica Way. The project will install new signage on Costa Pacifica Way to identify the sidewalk for pedestrian access and to discourage pedestrians from walking in the path of travel used by vehicles, as well as identify on-site parking locations for visitors. The project also proposes a Continental crosswalk from the southwest corner of the Costa Pacifica Way at North Coast Highway intersection across to the east towards In-N-Out in accordance with the proposed Coast Highway Corridor Study (City of Oceanside 2019), as previously mentioned.
- ***Bicycle Access and Circulation:*** The project proposes improvements to bicycle circulation and access. The proposed improvements will include bicycle lane striping on southbound North Coast Highway along the project frontage. The project will also maintain access along Costa Pacifica Way that provides a bicycle connection through to the San Luis Rey River Trail bike path. Onsite, the project proposes bike racks within the public plaza off of North Coast Highway.
- ***Public Transit Access:*** The North County Transit District (NCTD) operates the Oceanside Transportation Center located approximately 3/4 mile from the project site. This major transit center has connections to the following NCTD routes: 101, 302, 303, 313, 318, 392 FLEX, 395 Flex, RTA 202, Coaster, Amtrak, Metrolink, Greyhound and Sprinter. The nearest bus stop is located at North Coast Highway and Surf Rider Way, which is about 0.3 miles to the south. Thus, the project is located in close proximity to major public transit services.
- ***Parking:*** The project will provide a total of 528 parking spaces on site. The approximately 166,000 square-foot parking structure will be incorporated within the proposed building, and will include 503 parking spaces. The parking structure will be accessible from a driveway off of Costa Pacifica Way along the north side of the project site. In addition, the project includes a surface parking lot accessible via the southern driveway that will include 25 surface parking spaces. On-street parking is proposed along the property frontage per the proposed Coast

CEQA Findings and Statement of Overriding Considerations

Highway Corridor Plan. The project parking will be in accordance with the City's Zoning Code, State Density Bonus law and the City of Oceanside Local Coastal Program. As discussed in Section 3.3, Discretionary Actions and Approvals, of the Final EIR, the project includes a density bonus incentive to reduce the parking space clearance at a vertical obstruction from 1 foot to 0.5 foot.

- **Water Facilities:** Water service for the commercial uses will be provided via the existing water connection to the main within North Coast Highway. Water service for all other elements of the project, including irrigation, and fire connection to the proposed project will be provided by the City via connections to the existing 8-inch main within Costa Pacifica Way on the northern portion of the project site. Refer to Section 5.12, Utilities and Services Systems, of the Final EIR for additional information.
- **Sewer Facilities:** There is an existing 8-inch sewer line and a 16-inch force main within North Coast Highway along the project frontage. The project will upgrade an approximately 230-foot segment of the existing 8-inch sewer main in North Coast Highway to a 12-inch sewer main. The segment to be improved is located near the southern driveway, and extends 230 feet south to where the existing 8-inch line transitions to 12-inch line. On site, the proposed sewer facilities will include a 4-inch connection to the proposed sewer lift station located in the southern parking lot to the proposed upgraded 12-inch sewer main in North Coast Highway. The commercial uses proposed may require a grease interceptor for future restaurant uses, which may either connect to the existing sewer line within North Coast Highway via an existing sewer lateral or that may connect to the on-site sewer system. Refer to Section 5.12, Utilities and Services Systems, of the Final EIR for additional information.
- **Stormwater Facilities:** Storm drain systems and connections will be designed to collect on-site runoff and convey it through the project site into existing drainage facilities that outlet into the San Luis Rey River.

Flows from the building roof will be routed to bio-filtration planter boxes located at various locations along the building face. Flows will be conveyed to a proposed storm drain along the western edge of the project site and then northwest to an existing storm drain within Costa Pacifica Way.

Flows from the at-grade and courtyard portions of the project site will be routed to an underground stormwater storage vault in the southwest corner of the project site within the parking lot area and will then outfall into the storm drain along the western edge and connect to the existing storm drain within Costa Pacifica Way. Refer to Section 5.6, Hydrology and Water Quality, of the Final EIR for additional information.

CEQA Findings and Statement of Overriding Considerations

- **Construction:** It is anticipated that development of the proposed project will occur over approximately 26 months, with a project opening day estimated in Spring 2023. The anticipated sequence of construction is as follows, with some phases overlapping:
 - Demolition (8 weeks)
 - Site Preparation (2 weeks)
 - Rough Grading (4 weeks)
 - Utility Trenching (20 weeks)
 - Building Construction and Architectural Coating (100 weeks)
 - Paving (16 weeks)

Approximately 4.4 acres of the project site will be graded, which is about 80%. Approximately 7,000 cubic yards of fill will be imported, as the project will include about 2,000 cubic yards of cut and 9,000 cubic yards of fill. Construction is proposed to occur Monday to Saturday, between 7:00 a.m. and 6:00 p.m., and the project will include a permit for Saturday construction consistent with the City Engineering Manual (City of Oceanside 2017).

b. Associated Project Approvals

Consistent with the City's General Plan, Local Coastal Program, and Zoning Ordinance, the proposed project requires certain entitlements be submitted, reviewed, and approved by the City. The requested entitlements include a Tentative Map, Mixed-Use Development Plan, Regular Coastal Permit, and a Request for Density Bonus. As the project proposes 26 very low-income units, Density Bonus Law requires the City to grant the density increase as well as two incentives/concessions and unlimited waivers. The project is requesting one incentive to eliminate the daylight plane setback above 12 feet, and one to reduce parking space clearance dimension at a vertical obstruction from 1 to 0.5 foot.

The City will use the Final EIR and associated documentation in its decision to approve or deny the required discretionary permits. Other responsible and/or trustee agencies can use the Final EIR and supporting documentation in their decision-making process to issue additional approvals. Other permits and approvals, which are known to be needed, or may be needed, in order to implement various project components in the future, are identified in Section 3.3 of the Final EIR.

CEQA Findings and Statement of Overriding Considerations

B. Project Objectives

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

1. Provide a mixed-use development that contributes to the revitalization of Downtown Oceanside pursuant to the City of Oceanside (City) General Plan Special Management Area Redevelopment Project Area, and the Coast Highway Vision and Strategic Plan Redevelopment Area.
2. Provide frontage improvements consistent with the Coast Highway Corridor Study and General Plan Circulation Element.
3. Develop a project with market rate housing that at least meets the General Plan authorized density of 43 dwelling units/acre to help satisfy the City’s current and future demand for housing, as outlined in the General Plan Housing Element and the City’s Regional Housing Needs Assessment allocation.
4. Implement State density bonus law and the City’s General Plan Housing Element by providing housing for a mix of income levels, including at least 10% of the project’s base dwelling units for very low-income households on the project site.
5. Increase the intensity of development sufficiently to feasibly provide amenities and services that add value and contribute to a higher quality of life for residents, such as wellness/fitness areas, common recreational spaces, access to co-work space, and proximity to multi-modal transportation options (transit, pedestrian, and bicycle connections) and coastal recreation areas.
6. Conserve natural resources and promote efficient use of land by developing a previously disturbed, in-fill property with a mixed-use development that incorporates energy efficient and sustainability features into the project’s design in an area currently served by existing utility infrastructure.
7. Provide pedestrian oriented building design and site layout elements along North Coast Highway by screening parking areas from public view, providing pedestrian features such as plazas and providing visual relief features to break up building massing.
8. Provide commercial space suitable for both visitor-serving and resident-serving commercial uses near residential and recreational areas.
9. Provide commercial uses and other project features that front on North Coast Highway to activate the streetscape and pedestrian corridor in accordance with the Coast Highway Vision and Strategic Plan.

CEQA Findings and Statement of Overriding Considerations

C. Initial Study and Notice of Preparation

Preliminary environmental review of the Alta Oceanside was conducted by the City's Development Services Department via the Notice of Preparation (NOP) process, the City listed the following subject areas to be analyzed in the EIR:

- | | |
|------------------------------|--------------------------------|
| 1. Aesthetics, | 10. Noise, |
| 2. Air Quality, | 11. Population/Housing, |
| 3. Biological Resources, | 12. Public Services, |
| 4. Cultural Resources, | 13. Recreation, |
| 5. Energy, | 14. Transportation, |
| 6. Geology/Soils, | 15. Tribal Cultural Resources, |
| 7. Greenhouse Gas Emissions, | and |
| 8. Hydrology/Water Quality, | 16. Utilities/Service Systems |
| 9. Land Use/Planning, | |

On May 17, 2019, the City circulated the NOP to responsible agencies, trustee agencies, regional agencies, and other agencies, organizations, and interested persons for the 30-day review period required under CEQA. The NOP requested that the agencies, organizations, and others provide the City with specific details about the scope and content of the environmental information to be contained in this Draft EIR.

In addition, to facilitate local participation, the City held a scoping meeting on June 3, 2019 at the Civic Center Library, Community Rooms located at 330 N Coast Highway, Oceanside, CA 92054, to present the project and to solicit suggestions from the public and other agencies on the scope and content of the Draft EIR. Comments received during the scoping process covered a variety of topics, which are detailed in Final EIR at Appendix A, Public Scoping Comments. In summary, these topics included site access, fire risk and evacuation plans, utility infrastructure and supply, traffic generation and roadway improvements, visual impact, emergency access, growth inducement, and preservation of biological and cultural resources.

D. Environmental Impact Report

Under CEQA Guidelines Section 15105, the City was required to provide a 45-day public review period on the Draft EIR. The Alta Oceanside Draft EIR (December 2018) was initially made available for public comment on December 5, 2019. A revised Notice of Availability was sent out that extended the public review period to January 28, 2020.

Copies of the Draft EIR were available for public review at the following locations: (i) City of Oceanside Development Services Department, 300 North Coast Highway, Oceanside, California 92054; (ii) City of Oceanside Public Library – Civic Center, 330 North Coast Highway, Oceanside, California 92054; (iii) City of Oceanside Public Library – Mission Branch, 3861-B Mission

CEQA Findings and Statement of Overriding Considerations

Avenue, Oceanside, California 92508; and (iv) online at <https://www.ci.oceanside.ca.us/gov/dev/planning/ceqa>.

The Alta Oceanside Final EIR was completed in March 2020. The Final EIR includes all comments and responses to comments received on the Draft EIR, and other information and clarifications in the EIR and Appendices. In April 2020, City staff made the Final EIR available for public review by posting it on the City’s website.

Commented [DM1]: Note: FEIR Date potentially to be updated if additional comments are provided by the City.

Following release of the Final EIR, on May 20, 2020, the Community Development Commission held a public hearing on the project, associated entitlements, and the Final EIR.

II. ENVIRONMENTAL IMPACTS FOUND TO BE NOT SIGNIFICANT OR LESS THAN SIGNIFICANT

State CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR evaluates and identifies as “no impact” or a “less than significant” impact. The City finds that, based upon substantial evidence in the record, the following impacts associated with the project would either have no impact or a less than significant impact without the implementation of mitigation measures in the following resource areas, pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a).

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
<i>Aesthetics</i> <i>(EIR Section 5.1)</i>	<ul style="list-style-type: none">• Less than significant effect on a scenic vista.• Less than significant impact from substantially damage to scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.• Less than significant impact related to substantially degrading the existing visual character or quality of the site and its surroundings in non-urbanized areas and related to conflicts with applicable zoning and other regulations governing scenic quality in urbanized areas.• Less than significant creation of a new source of substantial light or glare, which will adversely affect day or nighttime views in the area.• No cumulatively considerable impact on aesthetics.
<i>Agricultural and Forest Resources</i> <i>(EIR Section 5.2)</i>	<ul style="list-style-type: none">• No impact from the conversion of 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 uses.• No impact from conflict with existing zoning for agricultural use, or a Williamson Act contract.• No impact from conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section

CEQA Findings and Statement of Overriding Considerations

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
	<p>12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))</p> <ul style="list-style-type: none"> • No impact from loss of forest land or conversion of forest land to non-forest use. • No impact from 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 cumulatively considerable impact on agricultural resources.
<p><i>Air Quality</i> (EIR Section 4.7)</p>	<ul style="list-style-type: none"> • Less than significant impact from conflicts with or obstruction of implementation of the applicable air quality plan. • Less than significant impacts related to 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 impacts related to other emissions (such as those leading to odors) adversely affecting a substantial number of people. • Less than cumulatively considerable impact on air quality.
<p><i>Biological Resources</i> (EIR Section 4.1)</p>	<ul style="list-style-type: none"> • Less than significant impacts related to substantial adverse effects 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. • No impacts related to substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedance of the use of native wildlife nursery sites. • Less than significant impacts related to conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. • No cumulatively considerable impact on biological resources.
<p><i>Cultural Resources</i> (EIR Section 4.2)</p>	<ul style="list-style-type: none"> • Less than significant impact related to causing a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.2. • No cumulatively considerable impact on cultural resources.
<p><i>Energy</i> (EIR Section 5.3)</p>	<ul style="list-style-type: none"> • Less than significant impact related to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. • Less than significant impact related to conflict with or obstruction of state or local plans for renewable energy or energy efficiency. • No cumulatively considerable impact with respect to energy.

CEQA Findings and Statement of Overriding Considerations

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
<p><i>Geology and Soils</i> (EIR Section 4.3)</p>	<ul style="list-style-type: none"> • Less than significant impacts related to causing potential direct or indirect substantial adverse effects, including the risk of loss, injury, or death involving: (a) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of as known fault. (Refer to Division of Mines and Geology Special Publication 42); (b) strong seismic ground shaking; (c) seismic-related ground failure, including liquefaction; or (d) landslides. • Less than significant impact related to substantial soil erosion or loss of topsoil. • Less than significant impact from being located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. • Less than significant impact from being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. • No impact from having soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. • No cumulatively considerable impact with respect to geology and soils.
<p><i>Greenhouse Gas Emissions</i> (EIR Section 5.4)</p>	<ul style="list-style-type: none"> • Less than significant impact related to the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. • Less than significant impact related to conflicts with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases.
<p><i>Hazards and Hazardous Materials</i> (EIR Section 5.5)</p>	<ul style="list-style-type: none"> • Less than significant impact creating a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. • Less than significant impact creating a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. • Less than significant impact related to the emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. • No impact from being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will create a significant hazard to the public or the environment. • Less than significant impact related to project location within an airport land use plan or, where such a plan has not been adopted,

CEQA Findings and Statement of Overriding Considerations

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
	<p>within two miles of a public airport, which will result in a safety hazard or excessive noise for people residing or working in the project area.</p> <ul style="list-style-type: none"> • Less than significant impact related to impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan. • Less than significant impact from exposing people or structures to a significant risk of loss, injury or death involving wildland fires. • No cumulatively considerable impact with respect to hazards and hazardous materials.
<p><i>Hydrology and Water Quality – Hydrology</i> (EIR Section 5.6)</p>	<ul style="list-style-type: none"> • Less than significant impact related to violation of any water quality standards or waste discharge requirements. • Less than significant impact related to the substantial decrease of groundwater supplies or interference with groundwater recharge such that the project may impede sustainable groundwater management of the basin. • Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will result in substantial erosion or siltation on or off site. • Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will substantially increase the rate or amount of surface runoff in a manner which will result in flooding on or off site. • Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. • Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will impede or redirect flood flows. • Less than significant impact related to risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. • Less than significant impact related to conflict with or obstruction of a water quality control plan or sustainable groundwater management plan.

CEQA Findings and Statement of Overriding Considerations

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
	<ul style="list-style-type: none"> • No cumulatively considerable impact with respect to hydrology or water quality.
<i>Land Use and Planning</i> (EIR Section 5.7)	<ul style="list-style-type: none"> • Less than significant impact related to the physical division of an established community. • Less than significant impact related to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. • No cumulatively considerable impact with respect to land use and planning.
<i>Mineral Resources</i> (EIR Section 5.8)	<ul style="list-style-type: none"> • No impact related to loss of availability of a known mineral resource that will be of value to the region and the residents of the state. • No impact related to the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. • No cumulatively considerable impact to mineral resources.
<i>Noise</i> (EIR Section 4.4)	<ul style="list-style-type: none"> • Less than significant impact related to generation of excessive groundborne vibration or groundborne noise levels. • Less than significant impact related to location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, where the project will expose people residing or working in the project area to excessive noise levels. • No cumulatively considerable impact with respect to noise.
<i>Population and Housing</i> (EIR Section 5.9)	<ul style="list-style-type: none"> • Less than significant impact related to the direct or indirect inducement of substantial unplanned population growth. • Less than significant impact related to the displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. • No cumulatively considerable impact related to population and housing.

CEQA Findings and Statement of Overriding Considerations

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
<p><i>Public Services</i> (EIR Section 5.10)</p>	<ul style="list-style-type: none"> • Less than significant impacts from creation of adverse physical impacts associated with the provision of, or need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: <ul style="list-style-type: none"> ○ Fire Protection ○ Police Protection ○ Schools ○ Parks ○ Other Public Facilities • No cumulatively considerable impact related to fire protection, police protection, schools, parks, or other public facilities.
<p><i>Recreation</i> (EIR Section 5.11)</p>	<ul style="list-style-type: none"> • Less than significant impact from increase in use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated. • Less than significant impact from inclusion of recreational facilities or requirement of the construction or expansion of such facilities which might have an adverse physical effect on the environment. • No cumulatively considerable impact related to recreation.
<p><i>Traffic and Circulation</i> (EIR Section 4.5)</p>	<ul style="list-style-type: none"> • No impact related to conflicts or inconsistencies with CEQA Guidelines Section 15064.3, subdivision (b), as it is not applicable. • Less than significant impacts related to the substantial increase in hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). • Less than significant impacts related to inadequate emergency access. • No cumulatively considerable impact related to geometric design or emergency access.
<p><i>Tribal Cultural Resources</i> (EIR Section 4.6)</p>	<ul style="list-style-type: none"> • Less than significant impact related to substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: <ul style="list-style-type: none"> ○ Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

CEQA Findings and Statement of Overriding Considerations

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
<i>Utilities and Service Systems (EIR Section 5.12)</i>	<ul style="list-style-type: none"> • No cumulatively considerable impact related to Tribal Cultural Resources. • Less than significant impacts from requiring or resulting in the relocation or construction of new or expanded water, wastewater treatment, or storm drainage, electric power, natural gas, or telecommunications facilities. • Less than significant impact related to having sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. • Less than significant impact related to determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. • Less than significant impacts related to the generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. • Less than significant impact related to compliance with federal, state, and local management and reduction statutes and regulations related to solid waste. • No cumulative impact related to utilities and service systems.
<i>Wildfire (EIR Section 5.13)</i>	<ul style="list-style-type: none"> • Less than significant impacts related to substantial impairment of an adopted emergency response plan or emergency evacuation plan. • Less than significant impacts related to the exposure of project occupants to pollutant concentrations from wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors. • Less than significant impact from requiring the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. • Less than significant impacts related the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. • No cumulatively considerable impact related to wildfire.

CEQA Findings and Statement of Overriding Considerations

III. POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES § 15091(A)(1))

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the CDC finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the identified potentially significant effects on the environment to less than significant levels. The significant effects and mitigation measures are stated fully in the Final EIR. Analysis of the individual findings is set forth below and the record of proceedings includes the substantial evidence supporting the findings.

A. Biological Resources

1) Impacts to Nesting Birds

Threshold of Significance: *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?*

Description of Significant Effect: Construction activities could result in the loss of nests, eggs, and fledglings of nesting birds protected under the Migratory Bird Treaty Act (MBTA) if vegetation clearing and ground disturbing activities occur during the nesting season (February 15 through August 31 for most species, January 15 through August 31 for raptors). Nesting birds may also be indirectly impacted by construction-related noise during the breeding season (i.e., February 15 through August 31 for most species, January 15 through August 31 for raptors).

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measures:

MM-BIO-1 Prior to the issuance of any demolition or grading permit, the associated plans must state the following within the plan notes:

Migratory Bird and Raptor Nest Buffers. Trimming of trees containing raptor or migrating bird nests shall be prohibited during the raptor breeding season (January 15 to August 31). Human disturbance shall be restricted around documented nesting habitat during the breeding season based on the following:

To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (January 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to

CEQA Findings and Statement of Overriding Considerations

nesting habitat during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and federally- or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established:

- No work within 300 feet of a non-listed nesting migratory bird nest, and
- No work within 500 feet of a listed bird or raptor nest.

The City, in consultation with a City-approved biologist and/or Wildlife Agency (if list bird or raptor nest is present), may identify reduced buffers for species depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity), specie's sensitivity to noise, or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance).

Rationale: Implementation of MM-BIO-1, which prohibits trimming of trees containing active nests during breeding season and places limits on other construction activities around documented nesting habitat during breeding season absent pre-construction nesting bird surveys, avoidance of active nests and imposition of construction buffers for nesting birds imposed by MM-BIO-1, will reduce the project's potential to 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 to a less than significant level .

2) **Impacts to Non-Native Grassland**

Threshold of Significance: *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?*

Description of Significant Effect: The proposed project will impact 2.45 acres of non-native grassland: broadleaf dominated, which is considered a sensitive natural community identified in a local or regional plan. Additionally, this will represent the loss of potential raptor foraging area.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measures:

MM-BIO-2 Significant impacts to 2.45 acres of non-native grassland shall be mitigated at a 0.5:1 ratio for a total of 1.23 acres of non-native grassland or other City-approved

CEQA Findings and Statement of Overriding Considerations

native vegetation community of higher value than Habitat Group E, as defined by the Final Oceanside Subarea Plan (City of Oceanside 2010). Prior to issuance of a grading permit, documentation of the selected mitigation option must be provided to the City as further detailed under each option below and the City Planner must confirm that the criteria for mitigation have been met. The mitigation location shall be prioritized as follows: (1) Oceanside Subarea Plan Wildlife Corridor Planning Zone, (2) City of Oceanside, and (3) Northern 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 via one of the following options, all of which are equivalent because each option will mitigate the project impacts to non-native grasslands to a less than significant level through preservation of the requisite habitat in perpetuity:

- **Mitigation Bank Option.** Prior to the issuance of any grading permit, the applicant shall provide to the City of Oceanside Planning Division proof of purchase of mitigation credits at a mitigation bank within Northern San Diego County equal to 1.23 acres of non-native grasslands (Habitat Group E) or vegetation community of higher value than Habitat Group E, as defined by the Final Oceanside Subarea Plan (City of Oceanside 2010), to the satisfaction of the City.

- **Habitat Preservation Option.** Prior to the issuance of any grading permit, the applicant shall provide evidence to the City of Oceanside Planning Division that a minimum of 1.23 acres of non-native grassland or other City-approved native vegetation community 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

CEQA Findings and Statement of Overriding Considerations

performance criteria and the Final Oceanside 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.

- **Habitat Restoration Option.** Prior to the issuance of any grading permit, the applicant shall provide evidence to the City of Oceanside Planning Division that a minimum of 1.23 acres of habitat intended to be restored to non-native grassland or other City-approved native vegetation community are provided as mitigation to the satisfaction of the City. Performance standards for non-native grassland restoration will include creating non-native grasslands 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. 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. 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. 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 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 Final Oceanside 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

CEQA Findings and Statement of Overriding Considerations

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. The Habitat Restoration Plan shall be prepared by a Qualified Biologist pursuant to the performance criteria and the Final Oceanside Subarea Plan's (City of Oceanside 2010) applicable framework preserve management guidelines. Prior to issuance of a grading permit, proof of the initiation of the habitat restoration must be provided to the City.

Rationale: Implementation of MM-BIO-2 will require the provision of compensatory mitigation for non-native grassland impacts in accordance with the identified performance standards, and with the involvement of a Qualified Biologist, to reduce potentially significant impacts to raptor foraging and non-native grassland to a level below significance. As detailed in the City of Oceanside Subarea Plan and the North County Multiple Habitat Conservation Program, the provision of non-native grassland habitat replacement at a 0.5 to 1 ratio is considered to adequately reduce potentially significant impacts to a less than significant level given the low sensitivity rating of the habitat (Habitat Group E), and limited habitat function and values. More specifically, the provision of non-native grassland or other native habitat identified pursuant to MM-BIO-2's performance standards at a 0.5 to 1 ratio would mitigate for the project impacts to raptor foraging habitat and the function and values of the non-native grassland habitat. Thus, with mitigation, the project's potential to 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 are reduced project to below a level of significance.

B. Cultural Resources

1) Impacts to Archaeological Resources

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

Description of Significant Effect: Based on an archaeological survey and a record search, the site could potentially contain significant archaeological resources. Proposed grading activities would potentially impact significant archaeological resources.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

CEQA Findings and Statement of Overriding Considerations

Mitigation Measures:

MM-CUL-1 Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the “Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseno Tribe”. A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the “Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseno Tribe” for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Oceanside Planning Division stating that a Qualified Archaeologist and Luiseño Native American Monitor have been retained at the Applicant/Owner or Grading Contractor’s expense to implement the monitoring program, as described in the pre-excavation agreement.

The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Luiseño Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the City of Oceanside Planning Division of the start and end of all ground disturbing activities.

The Qualified Archaeologist and Luiseño Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. In order to prevent unnecessary negative effects to cultural resources within the project’s APE, a brief archaeological sensitivity training will be provided during this pre-grading meeting with the grading contractor. This training will include a discussion concerning resources located in proximity to designated work areas.

The Qualified Archaeologist and Luiseño Native American Monitor shall be present on-site full-time during grubbing, grading and/or other initial ground altering activities to identify any evidence of potential archaeological or tribal cultural resources. All fill materials shall be absent of any and all tribal cultural resources.

CEQA Findings and Statement of Overriding Considerations

In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written “Controlled Grade Procedure” shall be prepared by a Qualified Archaeologist, in consultation with the Luiseño Native American monitor, the San Luis Rey Band, and the Applicant/Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and Luiseño Native American monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be included in the Grading Plan Submittals for the Grading Permit.

The Qualified Archaeologist or the Luiseño Native American monitor may halt ground disturbing activities if unknown tribal cultural resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and before grading proceeds these items shall be given to the San Luis Rey Band so that they may be repatriated at the site on a later date. If the Qualified Archaeologist and Luiseño Native American monitor determine that the unearthened tribal cultural resource, artifact deposits or cultural features are considered potentially significant, the San Luis Rey Band shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the Lead Agency under CEQA, the San Luis Rey Band shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant tribal cultural resources, artifact deposits or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the San Luis Rey Band. If the Qualified Archaeologist collects such resources, the Luiseño Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the tribal cultural resources that are unearthened during the ground disturbing activities, the Luiseño Native American monitor, may at their discretion, collect said resources and provide them to the San Luis Rey Band for respectful and dignified treatment in accordance with the Tribe’s cultural and spiritual traditions. Ground disturbing activities shall not resume

CEQA Findings and Statement of Overriding Considerations

until the Qualified Archaeologist, in consultation with the Luiseño Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected.

The landowner shall relinquish ownership of all tribal cultural resources unearthed during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the San Luis Rey Band for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.

Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City of Oceanside Planning Division for approval.

As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area will be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Luiseño Native American monitor. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendent.

Rationale: Implementation of MM-CUL-1 will reduce the potential for the project to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA

CEQA Findings and Statement of Overriding Considerations

Guidelines Section 15064.5 and thereby reduce potential project impacts to less than significant by requiring cultural resource monitoring by a qualified archaeologist and Native American monitor during ground-disturbing activities, including a pre-grading meeting, qualifications and abilities for the monitor, procedures should resources be encountered, and reporting protocols. Implementation of the protocols and performance standards identified in MM-CUL-1 would reduce impacts to cultural resources to less than significant, as these standards ensure proper treatment of resources and preservation of cultural resources in a manner that preserve information regarding cultural resources.

C. Geology and Soils

1) Impacts to Paleontological Resources

Threshold of Significance: *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Description of Significant Effect: The proposed project will require excavation at depth within and adjacent to areas of high paleontological sensitivity.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measures:

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

MM-GEO-2 Prior to the issuance of a grading permit, the City of Oceanside (City) shall confirm the following measure is identified on the grading plan and will be implemented:

CEQA Findings and Statement of Overriding Considerations

Grading activities are subject to a Paleontological Resources Impact Mitigation Program (PRIMP). If potential fossils are discovered by construction crews or during monitoring by a qualified paleontologist, all earthwork or other types of ground disturbance within 50 feet of the discovery shall stop immediately until the qualified professional paleontologist can assess the nature and importance of the discovery. If a fossil of scientific value or uniqueness is identified by the paleontologist, the paleontologist shall record the find and allow work to continue or recommend salvage and recovery of the fossil. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and currently accepted scientific practice and shall be subject to review and approval by the City. Work in the affected area may resume once the fossil has been assessed and/or salvaged and the City, in consultation with the professional paleontologist, has provided written approval to resume work.

Rationale: Implementation of MM-GEO-1 and MM-GEO-2 will reduce the project's potential to directly or indirectly destroy a unique paleontological resource and thereby reduce project impacts to less than significant levels through preparation and implementation of a PRIMP by a qualified/professional paleontologist in accordance with the performance standards set forth in those measures. Further, as required by MM-GEO-2, if fossils are discovered by construction crews or during monitoring, all ground disturbing activities will stop until the qualified professional paleontologist can assess the nature and importance of such discovery and implement the steps required by MM-GEO-2 to reduce the potentially significant impacts to the found paleontological resources to a less than significant level.

D. Noise

1) Generation of Construction Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance

Threshold of Significance: *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Description of Significant Effect: Based on the noise modeling, estimated noise levels are predicted to be as high as 88 dBA L_{eq} over an eight-hour period at the nearest existing mobile home residences (as close as 15 feet away) when site preparation activities take place near the southwestern project boundaries. Based on the noise reductions per doubling distance characteristics of noise and an approximate distance of 25 feet, construction noise at the Seacliff condominiums will be up to 83 dBA L_{eq} over an eight-hour period. Note that these estimated noise levels at these source-to-receiver distance will only occur when noted pieces of heavy equipment

CEQA Findings and Statement of Overriding Considerations

will each operate for a cumulative period from one to three hours a day. Ultimately, the project will potentially exceed construction noise limits on occasion at residential receivers.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measures:

MM-NOI-1 Prior to the issuance of a Construction Permit (demolition, grading or building permit), the Applicant/Owner or Construction Contractor shall prepare and submit a Construction Noise Management Plan (CNMP) to the City of Oceanside Planning Division (City Planner) for review and approval. Prior to the issuance of a Construction Permit, Construction Plans shall also include a note indicating compliance with the CNMP is required. The CNMP shall be prepared or reviewed and approved by a Qualified Acoustician (retained at the Applicant/Owner or Construction Contractor's expense). A "Qualified Acoustician" is professional with 5 years of experience in environmental noise assessment and/or noise control engineering, with qualifications to be verified to the satisfaction of the City Planner. The CNMP shall feature the following:

- a. A detailed construction schedule at daily (or weekly, if activities during each day of the week are typical) resolution and correlating to areas or zones of on-site project construction activity(ies) and the anticipated equipment types and quantities involved. Information will include expected hours of actual operation per day for each type of equipment per phase, and indication of anticipated concurrent construction activities on site.
- b. Suggested locations of a set of noise level monitors, attended by a Qualified Acoustician or another party under its supervision or direction, at which sample outdoor ambient noise levels will be measured and collected over a sufficient sample period and subsequently analyzed (i.e., compared with applicable time-dependent A-weighted decibel [dBA] thresholds) to ascertain compliance with the eight hour Federal Transit Administration (FTA) guidance-based limit of 80 dBA equivalent sound level over a consecutive eight hour period. Sampling shall be performed, at a minimum, on the first (or otherwise considered typical construction operations) day of each distinct construction phase
- c. If sample collected noise level data indicates that the eight hour noise threshold has or will be exceeded, construction work shall be suspended (for the activity or phase of concern) and the Applicant/Owner or Construction Contractor shall implement one or more of the following measures as detailed or specified in the CNMP:
 - i. Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances).

CEQA Findings and Statement of Overriding Considerations

- ii. Engineering controls (upgrade noise controls, such as install better engine exhaust mufflers).
- iii. Install noise abatement on the site boundary fencing (or within, as practical and appropriate) in the form of sound blankets or comparable temporary barriers to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.

The implemented measure(s) will be reviewed or otherwise inspected and approved by the Qualified Acoustician (or another party under its supervision or direction) prior to resumption of the construction activity or process that caused the measured noise concern or need for noise mitigation. Noise levels shall be re-measured after installation of said measures to ascertain post-mitigation compliance with the noise threshold. As needed, this process shall be repeated and refined until noise level compliance is demonstrated and documented. A report of this implemented mitigation and its documented success will be provided to the City Planner.

- d. The Applicant/Owner or Construction Contractor shall make available a telephone hotline so that concerned neighbors in the community may call to report noise complaints. The CNMP shall include a process to investigate these complaints and, if determined to be valid, detail efforts to provide a timely resolution and response to the complainant, with a copy of resolution provided to the City Planner.

Rationale: Implementation of MM-NOI-1 will reduce potentially significant noise impacts to less than significant levels through proper application of temporary noise barriers or comparable sound abatement under the supervision of a Qualified Acoustician and in accordance with the performance standards set forth in MM-NOI-1. MM-NOI-1 will reduce noise levels by 10 dB, which will correspondingly reduce the predicted maximum 88 dBA eight-hour L_{eq} for the grading phase (the construction phase that will generate the maximum noise) to 78 dBA L_{eq} , which will make the level compliant with the most conservative FTA 80 dBA threshold at the residential receivers (Seacliff condominiums and MiraMar mobile home community) . In addition, the mitigation includes field verification that the 80 dBA threshold is achieved with measures implemented as well as a hotline to address noise complaints. Overall, these measures ensure that project's potential generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of FTA standards as well as the General Plan Noise Element standards will be reduced to below a level of significance.

CEQA Findings and Statement of Overriding Considerations

E. Tribal Cultural Resources

1) Potential Impacts to Tribal Cultural Resources, as defined in California Public Resources Code Section 21074

Threshold of Significance: *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Description of Significant Effect: Consultation with tribal representatives identified that the project area is potentially a part of 'Atáaxum (Luiseño) and there is an extensive Luiseño artifact record in the vicinity of the project. Outside of the AB 52 consultation process, the San Luis Rey Band of Mission Indians was also consulted regarding the isolate located on-site and the potential for subsurface tribal cultural resources. Considering this information, there is potential for the discovery of unknown tribal cultural resources during proposed grading activities.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measures:

MM-TCR-1 An appropriate approach to potential impacts to Tribal Cultural Resources (TCRs) (as defined by PRC Section 21074) is developed in response to the identified presence of a TCR by California Native American Tribes through the process of consultation. While no TCRs have been identified that may be affected by the project, the following approach for the inadvertent discovery of TCRs has been prepared to ensure there are no impacts to unanticipated resources.

The City shall require that a Native American and archaeological monitor are present during ground-disturbing activities with the greatest potential to encounter Native American cultural resources, consistent with, and as required by MM-CUL-1.

The archaeological and Native American monitors shall have the authority to temporarily halt work to inspect areas as needed for potential cultural material or deposits. Should a potential TCR be inadvertently encountered, all construction work involving ground-disturbance occurring within 50 feet of the find shall immediately

CEQA Findings and Statement of Overriding Considerations

stop and the City notified. If the unanticipated resource is archaeological in nature, appropriate management requirements shall be implemented as outlined in MM-CUL-1. Ground disturbance in this area shall not commence until the qualified archaeological principal investigator, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. The 50-foot buffer may be adjusted based on the recommendation of the qualified archaeological principal investigator. Should it be required, temporary flagging may be installed around this resource in order to avoid any disturbances from construction equipment. Depending upon the significance of the find under CEQA (14 CCR 15064.5(f); PRC Section 21082), the archaeological monitor in correspondence with the qualified archaeological principal investigator may simply be required to record the find to appropriate standards (thereby addressing any data potential).

If the qualified archaeological principal investigator observes the discovery to be potentially significant under City, CEQA or Section 106 of the NHPA, additional efforts such as preparation of an archaeological treatment plan, testing, and/or data recovery may be warranted prior to allowing construction to proceed in this area. The feasibility for avoidance of any identified resource will also be discussed with the City. The City shall be notified of any identified Native American cultural resource, regardless of significance, and provided the opportunity to provide management recommendations prior to moving forward in construction in areas that might disturb the identified resource. If the City determines through consultation with NAHC-listed representatives that the potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074), any affected tribe shall be provided a reasonable period of time to conduct a site visit and make recommendations regarding future ground disturbance activities as well as the treatment and disposition of any discovered tribal cultural resources. Depending on the nature of the potential resource and Tribal recommendations, review by a qualified archaeologist may be required. Implementation of proposed recommendations will be made based on the determination of the City that the approach is reasonable and feasible. All activities shall be conducted in accordance with regulatory requirements.

Rationale: MM-TCR-1 and MM-CUL-1 will reduce the potential for the project to cause a substantial adverse change in the significance of tribal cultural resources to a less than significant level by ensuring unanticipated significant archaeological deposits are appropriately monitored, identified, treated, tested, and/or avoided in accordance with regulatory requirements, the mitigation measures' performance criteria and the supervision provided by a qualified archaeologist and tribal monitor as required by the mitigation measures.

CEQA Findings and Statement of Overriding Considerations

F. Air Quality

1) **Potential Impact Related to the Exposure of Sensitive Receptors to Toxic Air Contaminants during Construction and Operation**

Threshold of Significance: *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Description of Significant Effect: Without mitigation, construction emissions will result in maximum individual cancer risk of 82 in one million for off-site residences, which is above the significance threshold of 10 in one million. Additionally, the HRA found that during operation of the proposed project and without mitigation, exposure from I-5 and SR-76 will result in a potential cancer risk at the maximally exposed residential receptor of 12.02 in a million, exceeding the 10 in 1 million threshold.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measures:

MM-AQ-1: Prior to the issuance of a grading permit, the City shall verify that the grading plan notes identify the following:

- A. Prior to the start of construction activities, the project applicant, or its designee, shall ensure that all 75 horsepower or greater diesel-powered equipment are powered with CARB certified Tier 4 Interim engines or better, except where the project applicant establishes to the satisfaction of the City that Tier 4 Interim equipment is not available.
- B. All other diesel-powered construction equipment will be classified as Tier 3 or higher, at a minimum, except where the project applicant establishes to the satisfaction of the City that Tier 3 equipment is not available.

In the case where the applicant is unable to secure a piece of equipment that meets the Tier 4 Interim requirement, the applicant may upgrade another piece of equipment to compensate (e.g. from Tier 4 Interim to Tier 4 Final) or take such other actions as will reduce the contemplated emissions from 75 horsepower or greater diesel-powered equipment to a level that will have been achieved had Tier 4 Interim engines been used. Engine Tier requirements in accordance with this measure shall be incorporated on all construction plans.

MM-AQ-2a Prior to the issuance of a construction permit, the City shall verify that the construction plan notes identify the following:

The applicant or its successor shall install high-efficiency return air filters on all heating, ventilation, and air conditioning (HVAC) systems serving the project. The

CEQA Findings and Statement of Overriding Considerations

air filtration system shall consist of a Minimum Efficiency Reporting Value 13 (MERV 13) air filtration system installed on return vents in residential units.

MM-AQ-2b Prior to the issuance of a certificate of occupancy, the City shall verify the installation of the MERV 13 air filtration system on any HVAC system installed for the specified residential units in accordance with the manufacturer's recommendations for the life of the project. On-going maintenance of the installed filtration systems shall be the responsibility of the applicant or its successor.

Rationale: Implementation of MM-AQ-1, MM-AQ-2a, and MM-AQ-2b will reduce air quality impacts related to the exposure of sensitive receptors to Toxic Air Contaminants to less than significant levels, as it would control diesel emissions in accordance with the performance standards identified in the applicable mitigation measures. MM-AQ-1 will ensure that construction equipment meets Engine Tier requirements for reduced emissions during construction. MM-AQ-2a and MM-AQ-2b will ensure that proper air filtration systems are utilized during operation. Overall, air emissions will be controlled in a manner that reduces the applicable exposures to levels consistent with regulations that were established to avoid significant health effects. As such, substantial pollutant concentrations will result in less than significant impacts to sensitive receptors with the implementation of these measures.

IV. POTENTIALLY SIGNIFICANT IMPACTS THAT CANNOT FEASIBLY BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES § 15091(A)(3))

This section identifies the significant unavoidable impacts of the project. Based on the analysis contained in the Final EIR, and elsewhere in the records for these proceedings, the City finds that the following environmental impacts of the project are significant and unavoidable and cannot be reduced below significance through feasible mitigation measures. These findings are explained below and are supported by substantial evidence in the record of proceedings. Consistent with Section 21081(a) of the Public Resources Code and Section 15091(a)(3) of the State CEQA Guidelines, the unavoidable project transportation impacts are overridden by project benefits as set forth in the statement of overriding considerations findings in Section VIII, below.

A. Transportation

1) Direct and Cumulative Impact to the segment of North Coast Highway, Between Costa Pacifica Way and SR-76

Threshold of Significance: *Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

Description of Significant Effect: The project will cause the level of service (LOS) of the segment of North Coast Highway, Costa Pacifica Way to SR-76, to degrade from LOS D to LOS E causing a significant direct impact to this segment under the Existing plus project condition and Existing

CEQA Findings and Statement of Overriding Considerations

Plus Cumulative Projects condition. Under the Buildout Year (2035) plus Project, the project will also have a cumulatively considerable impact to the segment of North Coast Highway, Costa Pacifica Way to SR-76, considering the project will add 0.02 seconds or more to the volume to capacity (V/C) of this roadway segment that will already be operating at LOS F without the project.

Finding: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or the project alternatives identified in the Revised FEIR. Therefore, this impact is considered significant and unavoidable.

Mitigation Measures: While there are no feasible mitigation measures available to avoid or mitigate the identified impact to a less than significant level, the following feasible mitigation measures will substantially lessen the identified project impacts:

MM-TRF-1 Prior to the issuance of occupancy permits, the following improvements shall be completed by the applicant to the satisfaction of the City of Oceanside:

- Provide a dedicated northbound left turn lane at the North Coast Highway/Costa Pacifica Way intersection;
- Install raised medians on North Coast Highway, between Costa Pacifica Way and south of the southerly In-N-Out driveway, which includes raised medians on both sides of the left turn lane; and,
- Install signage indicating left turn restrictions at the southerly In-N-Out driveway.

Rationale: With the implementation of MM-TRF-1 above, the project's direct and cumulative impact to the segment of North Coast Highway, Costa Pacifica Way to SR-76, will remain significant as a project conflict with a program, plan, ordinance, or policy addressing the circulation system would continue to occur. The City's roadway segment V/C and LOS analysis methodology is related to the availability of roadway segment capacity of the segment. The proposed MM-TRF-1 will improve traffic flow and efficiency through the North Coast Highway, Costa Pacifica Way to SR-76, segment by organizing movements and vehicle queuing through this area of North Coast Highway. This improvement would be consistent with the North Coast Highway Corridor Study EIR that specifically identifies mitigation strategies for North Coast Highway. However, the MM-TRF-1 improvements will not increase the daily roadway capacity of this segment of North Coast Highway in a manner that would reduce the project's impact to the volume to capacity ratio below the City's significance determination thresholds. The way to increase the daily roadway segment capacity of this segment of North Coast Highway would be to add additional through lanes. However, the City General Plan and the recently approved Coast Highway Corridor Study identifies the ultimate buildout of this segment of North Coast Highway as a two-lane Collector Road (with Two Way Left-Turn Lane [TWLTL]). This segment of North Coast Highway is already built out as a two-lane Collector Road (with TWLTL). The addition of roadway lanes beyond the existing two through lanes (one lane in each direction) or widening to a Secondary Collector would be inconsistent with the City adopted General Plan and Coast Highway Corridor Study, a plan the City adopted for the express purpose of guiding future roadway planning of

CEQA Findings and Statement of Overriding Considerations

Coast Highway, including the applicable segment of North Coast Highway. The ultimate buildout designations are based, in part, on the significant widening constraints due to the adjacent existing developments along the roadway as well as the limited bridge width over the San Luis Rey River to the north of this segment, all of which contribute to making it infeasible to add lanes and change the road designation. In addition, although the project includes features consistent with Transportation Demand Measures (TDMs), including the provision of bike parking, a crosswalk, pedestrian-oriented streetscape and plaza, a mix of uses, locating the project in an urbanized area, and location in proximity to transit., TDMs would not reduce the identified V/C based impacts per the City's significance determination thresholds below a level of significance because the reduction in vehicular traffic from these features or other standard TDMs cannot be quantified and/or enforced in a manner that will provide a specific reduction in trips generated by the project that is roughly proportional to the project impact. Further, utilizing TDM reductions as mitigation for segment impacts would not be consistent with the City's traffic report methodology that uses the SANDAG (*Not So*) *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region* (SANDAG 2002) for determining trips generated by a project. Therefore, the project's direct and cumulative impact to the segment of North Coast Highway, Costa Pacifica Way to SR-76, will remain significant and unavoidable. A Statement of Overriding Considerations is required for approval of the project.

MM-TRF-1 is feasible, is adopted, and will substantially lessen the transportation impacts attributable to the project. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which will mitigate, in part, this significant traffic impact attributable to the project, as identified in the Final EIR. However, there is no feasible way to increase capacity in order to reduce the identified significant impact to a level below significant without increasing the number of lanes with associated roadway widening which is precluded by the Coast Highway Corridor Plan designations for this segment. Therefore, this traffic impact will remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section VIII, Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh the significant and unavoidable impacts.

2) Cumulative Impact to the segment of North Coast Highway, Between Harbor Drive and Costa Pacifica Way

Threshold of Significance: *Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

Description of Significant Effect: Under the Buildout Year (2035) plus Project, the project will have a cumulative impact to the segment of North Coast Highway, Harbor Drive to Costa Pacifica Way, considering the project will add 0.02 V/C or more to this segment operating at LOS F.

CEQA Findings and Statement of Overriding Considerations

Finding: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or the project alternatives identified in the Revised FEIR. Therefore, this impact is considered significant and unavoidable.

Mitigation Measures: While there are no feasible mitigation measures available to avoid or mitigate the identified impact to a less than significant level, the following feasible mitigation measures will substantially lessen the identified impact:

MM-TRF-2 Prior to the issuance of occupancy permits, the following improvements shall be completed by the applicant to the satisfaction of the City of Oceanside:

- Construct a refuge median (pork chop) for left-turning vehicles on Costa Pacifica Way destined to travel northbound North Coast Highway; and,
- Add “Keep Clear” pavement markings on the southbound approach at the intersection of North Coast Highway/Costa Pacifica Way.

Rationale: With the implementation of MM-TRF-2 above, the project’s cumulative impact to the North Coast Highway, Harbor Drive to SR-76, segment will remain significant as a project conflict with a program, plan, ordinance, or policy addressing the circulation system would continue to occur. The City’s roadway segment V/C and LOS analysis methodology is related to the availability of roadway segment capacity of the segment. The proposed MM-TRF-2 will improve traffic flow and efficiency through the North Coast Highway, Harbor Drive to SR-76, segment by organizing movements and vehicle queuing through this southern area of this North Coast Highway segment. This improvement would be consistent with the North Coast Highway Corridor Study EIR that specifically identifies mitigation strategies for North Coast Highway. However, MM-TRF-2 improvements will not increase the daily roadway capacity of this segment of North Coast Highway in a manner that would reduce the project’s impact to the volume to capacity ratio below the City’s significance determination thresholds. To increase the daily roadway segment capacity of this North Coast Highway segment, additional through lanes would be needed. However, the City General Plan and the adopted Coast Highway Corridor Study that identifies the ultimate buildout of this segment of North Coast Highway as a two-lane Collector Road (with TWLTL). This plan was adopted by the City for the express purpose of guiding future roadway planning of Coast Highway, including this segment of North Coast Highway. This segment of North Coast Highway is already built out as a two-lane Collector Road (with TWLTL). The addition of roadway lanes beyond two lanes (one lane in each direction) or widening to a Secondary Collector will be inconsistent with the City’s plans for this roadway. Those designations are based in part on the significant widening constraints in the area due to the adjacent existing developments along the roadway as well as the limited bridge width over the San Luis Rey River, all of which contribute to making it infeasible to add lanes and change the road designation. In addition, though the project includes features consistent with TDMs to the extent feasible to reduce vehicular traffic generated by the project, including the provision of bike parking, a crosswalk, pedestrian-oriented streetscape and plaza, a mix of uses, locating the project in an urbanized area, and locating proposes uses in proximity to transit., TDMs would not reduce the identified V/C based impacts per the City’s significance determination thresholds

CEQA Findings and Statement of Overriding Considerations

below a level of significance because the reduction in vehicular traffic from these features or other standard TDMs cannot be quantified and/or enforced in a manner that will provide a specific reduction in trips generated by the project that is roughly proportional to the project impact. Further, utilizing TDM reductions as mitigation for segment impacts would not be consistent with the City's traffic report methodology that uses the SANDAG (*Not So*) *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region* (SANDAG 2002) for determining trips generated by a project. Therefore, the project's cumulative impact to the segment of North Coast Highway, Harbor Drive to Costa Pacifica Way, will remain significant and unavoidable. A Statement of Overriding Considerations is required for approval of the project.

MM-TRF-2 is feasible, is adopted, and will substantially lessen the transportation impacts attributable to the project. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which will mitigate, in part, this significant traffic impact attributable to the project, as identified in the Final EIR. However, there are no feasible mitigation measures that will reduce the identified significant impact to a level below significant. Therefore, this traffic impact will remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section VIII, Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh the significant and unavoidable impacts.

V. FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which will feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."

Three alternatives, including the No Project (No Build) Alternative, were analyzed in the Final EIR, Section 7, Alternatives:

- Alternative 1:** No Project (No Build) Alternative
- Alternative 2:** No Project (Development per Entitlements) Alternative
- Alternative 3:** Reduced Footprint Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the project as described in the Final EIR 3.1, Project Objectives, and above in Section I.B.

For the reasons set forth below, and in light of the analysis presented in the EIR Chapter 8, Alternatives, the environmentally superior alternative is Alternative 1, No Project (No Build) Alternative. However, this alternative is a CEQA required alternative that fails to meet the

CEQA Findings and Statement of Overriding Considerations

project's underlying purpose and fails to meet the basic project objectives. CEQA also requires that, if the No Project Alternative is the environmentally superior alternative, another environmentally superior alternative must be identified among the alternatives, which, here, is Alternative 3: Reduced Footprint Alternative. As described below, this alternative is not feasible and does not provide desired benefits to the extent of the project.

A. Alternatives Considered but Rejected

The EIR considered the potential of analyzing a location alternative to the project in the EIR. In accordance with CEQA Guidelines 15126.6(f)(2), a key factor in determining whether an EIR should consider an alternative location for the proposed project is if “any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location.” Based on the impacts of the proposed project, this would require a location that would avoid or substantially lessen one or more of the following impacts: biological, cultural, geology and soils, transportation, tribal cultural resources, air quality, and/or construction noise. To qualify as a CEQA alternative, the development at an alternative location would also need to meet most of the project objectives, reduce a significant impact of the project, and must be potentially feasible. A Location Alternative was determined to be infeasible due to the inability to obtain and control a site of similar qualities as the project site that could provide an equivalent development pursuant to project objectives. One of the factors for feasibility of an alternative is “whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” There may be sites within the City of an approximately equivalent size to the project site that could be redeveloped with a mixed-use residential project; however, the project applicant does not control another site within the City of comparable land area that is available for development of the project. As described in EIR Section 2.1.1, the development of the project site as assembled currently has been contemplated since 1999, but an agreement to assemble the parcels of the project site was only recently reached. It is unlikely and speculative to assume the feasibility of assembling another site similar to the proposed project that meets most of the project objectives and avoids or substantially lessens the project's potential significant impacts (Creager, pers. comm. 2019). Therefore, the Location Alternative was considered but rejected due to feasibility.

The EIR also considered a Traffic Impact Avoidance concept. To avoid all traffic impacts and not increase the volume to capacity ratio along North Coast Highway by 0.02 in the buildout condition (year 2035), the development will need to be reduced to generate 245 or less average daily trips (Appendix H). Considering the San Diego Association of Governments (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region (SANDAG 2002) of 8 trips per condominium unit, 160 trips per 1,000 square feet of high turnover restaurant and 10% reduction for mixed use projects consistent with SANDAG's regional smart growth policies, a Traffic Impact Avoidance Alternative would have consisted of 11 multi-family units and 1,152 square feet of high turnover restaurant. This alternative was considered but rejected due to the inability to meet the majority of project objectives and because such a redevelopment will not be reasonable to assume to occur. It is not reasonable to expect that an urban in-fill, located

CEQA Findings and Statement of Overriding Considerations

near public transit on a site with an existing operating business and a permitted density without density bonus of 43 dwelling units per acre, would be developed with only 11 dwelling units (approximately 2 dwelling units per acre). Such a proposal would include fewer units than already approved by the City under the existing, still effective entitlements. As the EIR already includes a reasonable range of alternatives, and as the Traffic Impact Avoidance concept does not meet the CEQA Guideline standards for an alternative as it would not meet most of the project objectives, that concept was not included in the EIR as a fully analyzed alternative.

CEQA Guidelines Section 15126.6(a) only requires that an EIR “describe a range of reasonable alternatives to the proposed project, or to the location of the project, that would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant environmental effects of the project, and evaluate the comparative merits of the alternatives.” Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR must consider a reasonable range of potentially feasible alternatives that would foster informed decision-making and public participation. Accordingly, the Draft EIR presented the three alternatives listed above and discussed in more detail below. The Draft EIR also considered and rejected two other potential alternatives. Thus, the Draft EIR considered a total of three potential concepts for inclusion as CEQA alternatives; and City staff determined that the Draft EIR included a reasonable range of alternatives to the proposed project.

B. EIR Alternative 1: No Project (No Build)

1) Description

Under the No Project (No Build) Alternative, the project site would remain in its existing condition and would not involve the construction of any new development or associated improvements. The existing commercial developments, vacant buildings, and other site conditions will remain in their current state.

2) Finding

The City rejects Alternative 1, the No Project (No Build) Alternative, as undesirable and infeasible as it fails to satisfy the Project’s underlying purpose and fails to meet all project objectives. Therefore, the No Project (No Build) Alternative is rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3) Facts in Support of Finding

In relation to the project, the No Project (No Build) Alternative would reduce or avoid all significant impacts. While the Final EIR found that the No Project (No Build) Alternative is the environmentally superior alternative, this Alternative would not achieve the basic project objectives. More specifically, this alternative would meet no project objectives considering no redevelopment, housing, new commercial, amenities, pedestrian, or roadway improvements would be provided. For these reasons and others detailed in the record before the City, the City rejects the No Project (No Build) Alternative as both undesirable and infeasible.

CEQA Findings and Statement of Overriding Considerations

C. EIR Alternative 2: No Project (Development per Entitlements) Alternative

1) Description of Alternative

The No Project (Development per Entitlements) Alternative would include the development of the entitled Seacliff Terraces project on a portion of the project site and no new development on the remainder of the site. The 1.7-acre residential and retail development would be located on APNs 143-040-23 and -54 in the northwestern area of the site. The development to be constructed would include 1,152 square feet of retail space, 52 residential condominium units, a public recreational viewing deck, a public retail patio, and supporting amenities. This development would be included within one four-story building with two levels of underground parking. The remaining 3.4 acres of the site would remain in its current condition as vacant, previously disturbed land (see Chapter 2). This would include the continued operation of the existing commercial uses. In addition, this No Project (Development per Entitlements) alternative assumes that the currently vacant buildings could be occupied.

2) Finding

The City rejects Alternative 2, the No Project (Development per Entitlements) Alternative, as undesirable and infeasible as it fails to satisfy most project objectives. While the No Project (Development per Entitlements) Alternative would reduce most environmental impacts, impacts related to geology and soils (paleontological resources) would be greater under this alternative than the project. Alternative 2, the No Project (Development per Entitlements) Alternative, would not meet project Objectives 2, 3, 4, 6, 7, 8, and 9, and would not meet Objectives 1 and 5 to the same degree as the project. Therefore, the No Project (Development per Entitlements) Alternative is rejected because specific economic, legal, social, technological or other considerations make the alternative undesirable and infeasible.

3) Facts in Support of Finding

As discussed in Chapter 8 of the Final EIR, in the event the No Project (Development per Entitlements) Alternative, is developed, a number of significant environmental impacts would be reduced (see EIR Table 8-3). These reduced impacts include: nesting birds, raptor foraging and non-native grassland, archaeological resources, construction noise, tribal cultural resources, roadway segments, TACs exposure during construction and operational TACs exposure. However, environmental impacts related to paleontological resources would be increased compared to the project. Ultimately all impacts of the proposed project would be reduced to below a level of significance by mitigation with the exception of traffic impacts. While the traffic impacts would be reduced by this alternative, the No Project (Development per Entitlements) alternative would continue to result in significant traffic impacts as well, as it would generate over 245 daily trips (see Traffic Impact Avoidance concept discussion above).

CEQA Findings and Statement of Overriding Considerations

The No Project (Development per Entitlements) Alternative would meet project Objectives 1 and 5. This alternative would not meet Objectives 2, 3, 4, 6, 7, 8 or 9. The project would meet Objective 1 since it would partially redevelop the site, however, it would meet this objective to a lesser degree than the project. The project would not meet Objective 2, as it would not provide improvements to North Coast Highway. Objectives 3 and 4 would be not met since this alternative would not provide additional housing at the General Plan density nor would it include affordable housing. This alternative would include amenities pursuant to Objective 5, through to a lesser extent than the project. This alternative would not meet Objective 6, as it would not include an efficient use of the land. This alternative would not meet Objective 7, as it would not provide pedestrian orientated features along North Coast Highway. This alternative would not meet Objectives 8 or 9, as the proposed commercial would be unlikely to be visitor-serving due to its location and the commercial would not be provided on North Coast Highway. As such, this alternative would not meet the basic project objectives.

For this reason, the City rejects the No Project (Development per Entitlements) Alternative as both undesirable and infeasible. In light of these reasons, the City finds this alternative, though technically feasible, is rejected as not being feasible because it would not fully meet the Project objectives nor is it consistent with key City policies identified in Project objectives such as those promoting the benefits of developing an in-fill, mixed use project on an underutilized, previously developed site in proximity to transit.

D. EIR Alternative 3: Reduced Footprint Alternative

1) Description of Alternative

The Reduced Footprint Alternative avoids all impacts to on-site non-native grasslands. As such, this alternative would compress the development into only the eastern portion of the site along North Coast Highway and preserve the western portion of the site (EIR Figure 8-1, Reduced Footprint Alternative). Due to this higher density design and fewer units, recreational amenities would be reduced and the proposed building would be five stories above podium. The proposed site access would be directly to North Coast Highway, as a strip of non-native grassland extends along the northern property line, thereby eliminating vehicular access from Costa Pacifica Way. The North Coast Highway access point would be located across from the City of Oceanside Chamber of Commerce northern driveway and would be limited to right-turn in/out access. Due to the reduced area of disturbance, at least 1.5 levels of below grade parking would be required. Additionally, due to the reduced development footprint, the total number of units would be below the allowed density for this zone, and this alternative would not include increased density or affordable housing under the density bonus law. Overall, this Reduced Footprint Alternative would include 117 residential units and 2,700 square-feet of commercial. The non-native grassland on site would be preserved as open space via a conservation easement.

CEQA Findings and Statement of Overriding Considerations

2) Finding

Besides the No Project (No Build) Alternative, Alternative 3 is the environmentally superior alternative. While the Reduced Footprint Alternative would reduce most environmental impacts, impacts related to geology and soils (paleontological resources) and transportation (General Plan policies, hazards and intersections) would be greater under this alternative than the project. While this alternative would reduce the significant mitigated impacts of the project, these impacts would also be mitigated by the project and would be less than significant. While reduced, this alternative would continue to have significant and unmitigated transportation impacts similar to the project. The City rejects Alternative 3, the Reduced Footprint Alternative, as undesirable and it would not meet all of the project's proposed objectives. Alternative 3, the Reduced Footprint Alternative, would not meet project Objectives 3, 4, 6, and 9. This alternative would not redevelop the entire site consistent with the City's vision, which includes a cohesive site design of all the parcels within the project site as presented in the City's Coast Highway Vision and Strategic Plan. Therefore, the Reduced Footprint Alternative is rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3) Facts in Support of Finding

As discussed in Chapter 8 of the Final EIR, in the event the Reduced Footprint Alternative, is developed, a number of significant environmental impacts would be reduced (see EIR Table 8-3). These reduced impacts include: nesting birds, raptor foraging and non-native grassland, archaeological resources, construction noise, tribal cultural resources, roadway segments, TACs exposure during construction and operational TACs exposure. However, environmental impacts related to paleontological resources, and transportation-related General Plan policies, hazards and intersections would be increased compared to the project. This alternative would have greater paleontological resource impacts, as it would involve grading to greater depths than the project into sensitive paleontological formations with potential to yield significant fossils.

This alternative would have a potentially significant impacts related to intersection delay increases at North Coast Highway – I-5 southbound ramps/Harbor Drive, as well as a potential conflict with the City's Circulation Element Policies related to driveways. General Plan Circulation Element Policy 3.9 is related to eliminating or reducing driveway access along collectors and busier streets such as North Coast Highway. As the Reduced Footprint Alternative would include a driveway along a busy street for sole site access, this is considered a conflict with this General Plan Circulation Element Policy 3.9. This conflict would result in secondary physical impacts related to intersections and hazards, as described further below.

As indicated by the City's Engineering Department, the City has a policy of only striping "Keep Clear" pavement markings at street intersections (and in front of driveways of first responders such as fire stations, police stations, etc., as allowed in the California Vehicle Code), and not in front of private driveways. Thus, the Reduced Footprint Alternative would not include such pavement markings and queuing on the North Coast Highway entrance would occur for vehicles turning into

CEQA Findings and Statement of Overriding Considerations

the site from the northbound direction. As such, access to/from the project site on North Coast Highway would be limited to right-turn in/out movements only under this alternative. This access alternative would result in potential queueing on North Coast Highway from vehicles turning right that could result in a safety concern.

Under the Buildout 2035 condition without project, North Coast Highway – I-5 southbound ramps/Harbor Drive would operate at unacceptable LOS F. With the addition of the Reduced Footprint traffic to this intersection, the delay would increase 6.7 seconds (Appendix H). This increase in delay would exceed the City’s two second threshold and would be considered a significant impact.

The Reduced Footprint Alternative would meet project Objectives 1, 2, 5, 7, and 8, as the alternative would provide revitalization for Downtown Oceanside, provide consistent frontage improvements, provides amenities (although reduced relative to the project), screens parking and provides visual massing reliefs, and provides both visitor-serving and residential-serving commercial. As this alternative would not provide market rate housing at the General Plan density or affordable housing pursuant to a Density Bonus, it would not meet Objectives 3 or 4. This alternative would not meet Objective 6, as it would not include the efficient use of land considering the entire urban infill site would not be developed to the density contemplated by the General Plan and zoning. This alternative would also not meet Objective 9, as it would not include a street-facing plaza intended to activate the streetscape and pedestrian corridor. Overall, this alternative would meet the basic project objectives.

Further, under CEQA (Public Resources Code, § 21159.26), a reduction in housing units as mitigation is discouraged if there is another way of mitigating the impact. This alternative is avoiding impacts to non-native grassland by reducing units and the associated footprint, but these impacts would be reduced to below a level of significance with the mitigation proposed by the project. While other impacts to cultural resources, noise, tribal cultural resources and construction air quality impacts would be reduced by this alternative, the project would also ultimately reduce these impacts with mitigation to below a level of significance as well. The traffic impact under this alternative would be significant after mitigation, similar to the project. A public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines there is another feasible mitigation measure or project alternative that would provide a comparable level of mitigation. The City considers this factor in determining to reject this project alternative. Mitigation measures proposed and adopted for the project would reduce the environmental effects targeted by this alternative without reducing the number of housing units.

Alternative 3 is not desirable by the City, as it would not be consistent with the City’s vision for the site and the needs of the City. While this alternative would provide some revitalization pursuant to the City’s General Plan Special Management Area Redevelopment Project Area and the Coast Highway Vision and Strategic Plan Redevelopment Area, it would not meet the City’s

CEQA Findings and Statement of Overriding Considerations

intent to provide a cohesive design of redevelopment of the area considering it would only redevelop a small portion of the site and retain underutilized areas as biological open space.

The City is also in need of additional housing, including affordable housing. While this alternative would provide 117 housing units, this alternative would provide far less units than the 309 units provided by the project and would not include affordable housing that are deemed to be needed by the City in accordance with the Regional Housing Needs Assessment (RHNA) or Housing Element policies. It is a City General Plan Land Use Element Policy to “produce opportunities for decent and affordable housing in a pleasant environment,” which this alternative would not promote. The total housing growth need allocated to the City of Oceanside for the 2010-2020 Housing Element projection period is 6,210 units, including 1,549 very low-income units. The base zone also identifies a density range of 29 to 43 units per acre, which this alternative would not meet considering 117 units per 5.3 acres is a density of about 22 units per acre. Ultimately, the City would require the provision of additional housing elsewhere to offset this reduction of housing units, and the location of such additional housing is unknown. Development outside of the targeted smart growth areas in conflict with Housing Element Policy 1.6. The Housing Element Policy 1.6 states the City is to “[e]ncourage higher-density housing development along transit corridors and smart growth focus areas in order to encourage preservation of natural resources and agricultural land; reduce energy consumption and emissions of greenhouse gasses and other air pollutants; reduce water pollution occasioned by stormwater runoff; and promote active transportation with its associated health benefits.” The site is located within the SANDAG Smart Growth Area (City Housing Element Figure IV-1) and does not include native habitat or areas intended for biological conservation, as discussed above. For these reasons, the City considers the loss of 192 units, including 26 affordable units, under this alternative is inconsistent with the City Housing Element policies and RHNA allocations.

Thus, for each of these reasons, the City rejects the Reduced Footprint Alternative as undesirable and infeasible. The City finds this alternative, though potentially feasible, is rejected as not being feasible because it would not fully meet the Project objectives nor is it consistent with key City policies identified in Project objectives such as those promoting the benefits of developing an in-fill, mixed use project on an underutilized, previously developed site in proximity to transit.

VI. OTHER CEQA CONSIDERATIONS

A. Growth-Inducing Impacts

Pursuant to CEQA Guidelines Sections 15126.2(e), the EIR examined the potential growth-inducing nature of the proposed Alta Oceanside project. The proposed project will directly facilitate growth through development of commercial land uses and 309 residential units, which will introduce new residents and jobs to or relocate residents and jobs within the area. The project’s service population is based on City of Oceanside’s Housing Element, which estimates an average household size of 2.8 per dwelling unit (City of Oceanside 2013) and information from the applicant, which states that the project will employ 25 persons. The project’s service population,

CEQA Findings and Statement of Overriding Considerations

defined as the number of residents plus the number of jobs supported by the project, is 891 people. Construction of the proposed project will generate an economic stimulus from activities such as the use of building materials, employment of construction workers, the operation of the proposed project's commercial, and the introduction of new or relocated consumer demand in the area. The proposed project will not introduce a population beyond what is planned for the City and the region. The proposed project's contribution towards growth is consistent with the SANDAG (2017) growth projections, as well as the City's RHNA goals. The proposed project will construct additional housing and commercial development at the project site, but that growth is authorized and contemplated by the City's General Plan and applicable laws such as the State's Density Bonus provisions. In-fill development at the project site and in the surrounding area are specifically identified for redevelopment per the General Plan and Coast Highway Vision and Strategic Plan. The project will not lead to indirect growth, as the project will not provide for additional infrastructure improvements that will allow for additional unplanned growth in the area. The project does not remove obstacles to growth by extending infrastructure to new areas, nor does it result in significant adverse environmental impacts beyond those analyzed in this EIR due to the expansion of infrastructure such as water supply facilities, wastewater treatment plants, roads or freeways. The project will upgrade an approximately 230-foot segment of the existing 8-inch sewer main in North Coast Highway to a 12-inch sewer main, however this segment of upgrade will only be to the proposed project connection point and will only be upgraded to serve the project due to an existing deficient condition. Therefore, the proposed project would not be considered growth inducing.

B. Potential Secondary Effects

Pursuant to CEQA Guidelines Section 15126.4(a)(1)(D), the Final EIR evaluated the potential for adverse secondary impacts that could result from implementation the project and proposed mitigation measures. Potential secondary effects are addressed within the appropriate section of the EIR and at Section II through V, above. Except for those potential secondary impacts specifically noted the City finds no adverse secondary impacts will occur as a result of implementation of project mitigation measures.

C. Effects Found not to be Significant

CEQA Guidelines Section 15128 requires an EIR to contain a brief statement indicating reasons that various possible significant effects of a project were determined not to be significant and therefore are not discussed in detail in the EIR. Through the EIR, in Section 5 of the EIR, the City identified and discussed the following environmental issue areas determined to be less than significant: aesthetics, agriculture and forestry resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire. Therefore, biological resources, cultural resources, geology and soils, noise,

CEQA Findings and Statement of Overriding Considerations

transportation, tribal cultural resources, and air quality were discussed in detail in the EIR. Refer to Section II, above, for effects found not to be significant after study in the EIR.

VII. OTHER CEQA FINDINGS

A. Mitigation Monitoring and Reporting Program

1) General Finding

Pursuant to Section 21081.6 of the Public Resources Code, the City, in adopting these Findings, also adopts the MMRP for the Alta Oceanside project. The MMRP is designed to ensure that, during project implementation, the City and other responsible parties will comply with the mitigation measures adopted in these Findings. The City hereby binds itself to cause the various feasible mitigation measures described in the MMRP to be implemented in accordance with the Final EIR and MMRP. The mitigation measures constitute a binding set of obligations upon the City's certification and approvals identified herein.

The City hereby finds that the MMRP, which is incorporated into the project conditions of approval, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of project conditions intended to mitigate potentially significant environmental effects of the project.

2) Regulatory Compliance

Federal, state, regional, and local laws contain certain regulatory compliance measures that must be adhered to in implementing the project. The Final EIR describes the regulatory setting within each chapter, which includes the details of regulatory compliance measures. Where regulatory compliance measures are required by law, the City has not separately proposed or adopted mitigation requiring regulatory compliance (as it would be declaratory of existing law). Nonetheless, the City finds that the project must comply with all applicable regulatory compliance measures.

B. CEQA Guidelines Sections 15091 And 15092 Findings

Based on these findings and the information contained in the administrative record, the City has made one or more of the following findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly-trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

CEQA Findings and Statement of Overriding Considerations

Based on these findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.
2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth in Section VIII of this document.

C. Nature of Findings

Any finding made by the City shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the City, whether or not any particular sentence or clause includes a statement to that effect. The City intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

D. Reliance on Record

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project. In accordance with Public Resources Code Section 21167.6(e), the record of proceedings (i.e., administrative record) for the CDC's decision on the project is comprised of the following documents:

- The Final EIR (March 2020) for the project, including appendices;
- The Draft EIR (December 2019) for the project, including appendices;
- Notice of Preparation (NOP) (May 2019) for the project;
- Any appendices, studies or documents cited, referenced, or relied on in the NOP, Draft EIR, Final EIR, or any document prepared for the project's EIR and either made available to the public during a public review period or included in the City's non-privileged, retained files on the project;
- Reports and technical reports, studies, and memoranda included or referenced in the NOP, Draft EIR, Final EIR, or City's responses to comments on the project;
- The project application materials;
- All public notices issued by the City in conjunction with the project, including notices issued by the City to comply with CEQA, the CEQA Guidelines, or any other law governing the processing and approval of the project;
- Scoping Meeting notices and comments received at Scoping Meeting;
- The Notice of Availability and Notice of Completion of the Draft EIR;

CEQA Findings and Statement of Overriding Considerations

- Comments received on the NOP;
- All reports, studies, memoranda, maps, or other planning or environmental documents relating to the project or its compliance with CEQA and prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the project that were either made available to the public during a public review period or included in the City's non-privileged, retained files on the project;
- All written comments and attachments on the project received from agencies, organizations, or members of the public during the Draft EIR comment period or prior to the close of the public hearing before the CDC;
- All City responses to comments received from agencies, organizations, or members of the public, or otherwise transferred from the City in connection with the project or its compliance with CEQA;
- Any supplemental documents submitted to the City prior to public hearings on the project;
- Staff reports prepared by the City for any information sessions, public meetings, and public hearings relating to the project, and any exhibits or attachments thereto;
- Minutes and/or transcripts of all public information sessions, public meetings, and public hearings relating to the project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- Any proposed decisions or findings submitted to the CDC and made available to the public during any public review period;
- All findings, resolutions, and ordinances adopted by this CDC in connection with the project, and all documents cited or referred to therein;
- Project permit conditions;
- The Mitigation Monitoring and Reporting Program (MMRP) for the project;
- Any documents expressly cited in these findings and any documents incorporated by reference;
- The City of Oceanside General Plan and all pertinent environmental documents prepared in connection with its adoption;
- The full written record actually before the CDC;
- The project's approval documents;
- All City website materials relating to the EIR or project;
- Any other written materials included in the City's retained files for the EIR or project that are relevant to the City's compliance with CEQA or its decision on the merits of the project, and

CEQA Findings and Statement of Overriding Considerations

that were released for public review or relied upon in the environmental documents prepared for the project; and

- The Notice of Determination.

The CDC intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the City and listed above shall comprise the administrative record for the project. Only that evidence presented to, considered by, and ultimately before the CDC prior to reviewing and reaching its decision on the EIR and project shall comprise the administrative record. The CDC does not intend that any drafts of any study, findings, or environmental document (or portions thereof), that were not released for public review or otherwise made available to the public be included in the administrative record.

E. Custodian of Records

The custodian of the documents or other material that constitute the record of proceedings upon which the City's decision is based is identified as follows:

Planning Division
300 North Coast Highway
Oceanside, CA 92054

F. Responses to Late Comments Not Required

CEQA Guidelines Section 15105 requires that the City provide a 45-day public review and comment period on the Draft EIR. Based on the second NOA issued, public comment period for the Draft EIR began on December 5, 2019 and ended January 28, 2020.

The City has received comments on the Draft EIR after the close of the public comment period. The City is not required to provide a written response to late letters. (Pub. Resources Code, § 21091(d); CEQA Guidelines, § 15088(a).) The City further finds that comments on the Draft EIR that could have been offered during the Draft EIR public comment period should have been made at that time. Nonetheless, the City fully considered these comments and finds that the late comments do not negate the adequacy of the environmental analysis prepared for the project, as presented in the project's Final EIR.

G. Recirculation Not Required

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines, §15088.5(a).) "Significant new information," as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a

CEQA Findings and Statement of Overriding Considerations

“substantial adverse environmental effect” or a “feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a “new significant environmental impact will result from the project or from a new mitigation measure proposed to be implemented;” that a “substantial increase in the severity of an environmental impact will result unless mitigation measures are adopted to reduce the impact to a level of insignificance;” or that a “feasible project alternative or mitigation measure considerably different from others previously analyzed will clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.” (CEQA Guidelines, §15088.5(a)(1)-(3).)

Recirculation is not required where “the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” (CEQA Guidelines, §15088.5(b).) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA’s public/agency comment and response process and CEQA’s post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is “intended to be an exception rather than the general rule.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

In this legal context, the City finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR’s findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR’s revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the project will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the CEQA Guidelines.

H. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, CEQA GUIDELINES § 15090

The CDC certifies that the Final EIR, dated March 2020, on file with the Development Services Department (SCH # 2019050007), has been completed in compliance with CEQA and the State CEQA Guidelines, that the Final EIR was presented to the CDC, and that the CDC reviewed and

CEQA Findings and Statement of Overriding Considerations

considered the information contained therein before approving the project, and that the Final EIR reflects the independent judgment and analysis of the CDC. (State CEQA Guidelines § 15090.)

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines section 15093(a) and (b), the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable.” (CEQA Guidelines, §15093 (a).) CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record. (CEQA Guidelines, §15093(b).)

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency’s economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs, See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656.

As explained above, two transportation impacts remain significant and unavoidable for the project despite the proposed mitigation measures. (See Sections III and V, above, and MMRP.)

The City finds that all feasible mitigation measures identified in the Final EIR that are within the purview of the City will be implemented with the project, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits, based upon the facts set forth in these Findings, the Final EIR, and the administrative record.

A. Overriding Benefits Resulting from the Project

The City finds that the project will have the following economic, legal, social, technological, or other overriding benefits, including region-wide or statewide environmental benefits. Each of the benefits cited below constitutes a separate and independent basis that justifies approval of the project and outweighs the unavoidable adverse environmental effects of approving the project and thus make the adverse environmental effects acceptable. Thus, even in the absence of one or more of the reasons set forth below, the City has determined that each remaining reason by itself, or any

CEQA Findings and Statement of Overriding Considerations

combinations of reasons, is a sufficient basis for approving the project, notwithstanding the significant and unavoidable transportation impacts that may occur.

- 1) **Redevelopment of an Underutilized Site:** The project site currently includes commercial uses, long vacant and underutilized buildings and vacant, previously developed land. Development of the project site as assembled whole has been contemplated since 1999, but different ownership of some of the parcels prevented that from happening. An agreement to assemble the five parcels of the project site for purposes of developing the project was only recently reached. The existing structures are not visually cohesive, and are of differing styles and occupied by uses not consistent with the City's vision for the area as reflected in the General Plan and other City plans and policies (EIR Figures 2-2 and 2-4). This includes the recent Coast Highway Vision and Strategic Plan (City of Oceanside 2009) that identifies the site as a part of a redevelopment area. The plan envisions the Coast Highway corridor being developed into a pedestrian and transit-oriented area with a mix of commercial, residential, and visitor-serving uses. The project site is located in an area identified by the General Plan and the Downtown District Development Regulations as a mixed-use area and a redevelopment area as well. Housing opportunities in the Downtown district are identified in the City's Housing Element to include the potential for mixed uses (City of Oceanside Housing Element, pages IV-2 and IV-7). As the project will develop the site with a mixed-use commercial and higher density residential project that includes on-site affordable housing, the project will assist the City in its vision to redevelop this underutilized site.
- 2) **Benefits from Job Creation:** The project is estimated to directly create 25 permanent onsite jobs at buildout. This would include building management, as well as future potential retail and restaurant uses. The project will also boost the local economy by supporting construction related jobs. The project is anticipated to support approximately 400 to 500 construction related jobs annually during the 26 months of project construction.
- 3) **Benefits of Housing in Proximity to Jobs and Services:** A study released by the San Diego Regional Chamber of Commerce on June 26, 2018 titled San Diego County Housing Study & Economic Impact Analysis (available at <https://sdchamber.org/wp-content/uploads/2018/06/Regional-Housing-Study-San-Diego-County-Final.pdf>) confirmed an exodus of workers to other counties and regions due to the housing shortage in San Diego County.

As stated in the San Diego County Housing Study & Economic Impact Analysis, "[t]he most predominately cited challenge for most North County employers in recruiting and retaining talent is finding housing within a reasonable commute to work." The project will provide an opportunity for workers to reside in the City near North County job centers within the City and surrounding municipalities. By providing multi-family housing in the City, including the affordable housing units, the project will also support the City's employers and their ability to attract and retain a range of quality employees at different income levels.

CEQA Findings and Statement of Overriding Considerations

- 4) **Benefits of Housing in Proximity to Transit, Pedestrian Routes and Bikeways:** On the SANDAG smart growth concept map (available at https://www.sandag.org/uploads/projectid/projectid_296_14003.pdf), the site is within the OC-1 area identified as a Smart Growth Opportunity Area - Town Center. NCTD FLEX bus routes 392 and 395 travel along North Coast Highway in the project's vicinity with the closest bus stops at Coast Highway/Surfrider Way, located approximately 0.3 mile south of the project site. The Oceanside Transit Center, located approximately one mile south of the project site, which is served by the nearby NCTD FLEX routes, provides access to Riverside Transit Agency (RTA) Route 202, BREEZE (101, 302, 303, 313, 318), FLEX (392, 395), COASTER, SPRINTER, Amtrak, Metrolink, and Greyhound transit options. The project is located in an area with pedestrian and bicycle connections, including to bike routes and the San Luis Rey River trail, and to the Oceanside Transit Center. The project also provides pedestrian-oriented improvements, such as a continental crosswalk across North Coast Highway at Costa Pacifica Way with bulb out and flashing beacons to facilitate pedestrian crossings and safety, a public pedestrian plaza along the sidewalk, and sidewalk frontage improvements. Bike parking along North Coast Highway will also be provided by the project. The site is in Oceanside's vibrant downtown, with extensive transit options, commercial and recreational activities. By locating higher density market rate and affordable housing on the in-fill project site, the project will support a more diverse, sustainable, transportation network with connectivity to public transit and other alternate modes of transportation, including nearby bicycle and pedestrian connections on Coast Highway and the San Luis Rey River Trail, implementing Housing Element Policy 3.5.
- 5) **Fiscal and Tax Benefits:** The project, as designed, will provide a stable and increased source of tax revenue for the City, including incremental property tax and sales tax. The project will also contribute Development Impact Fees that help fund the City's future infrastructure improvements. These fees include School Fees, Park Fees, Thoroughfare Traffic Fees, Drainage Fees, and Public Facilities Fees and are estimated to be approximately \$4 million. In addition, the \$100 million project would result in additional property tax revenue (Suneson, pers. comm. 2020). Such revenue may be spent by the City to improve vital services including police and fire facilities, parks, roads and other infrastructure in the City. Money added to the General Fund will positively impact the City as a whole.
- 6) **Housing Production Benefit:** The project will provide housing opportunities, totaling 309 units, which will help accommodate anticipated population growth and future housing needs within the City as projected by the SANDAG and the General Plan. SANDAG is the agency responsible for allocating the region's future housing needs to jurisdictions, taking into account: the market demand for housing; employment opportunities; availability of suitable sites and public facilities; commuting patterns; type and tenure of housing; loss of units in assisted housing developments; over-concentration of lower income households; and geographical and topographical constraints.

CEQA Findings and Statement of Overriding Considerations

The City of Oceanside 2013-2021 Housing Element (Housing Element) provides strategies to facilitate the development of a variety of housing types throughout the City and accommodate the City's housing needs. Chapter V, Housing Action Plan, contains the goals and policies the City will implement to address housing-related issues during the 2013-2021 planning period covered by the current Housing Element. Specific policy compliance for the project is noted parenthetically, below.

The total housing growth need allocated to the City of Oceanside for the 2010-2020 Housing Element projection period is 6,210 units. The 309 newly constructed project units will represent an important contribution towards achieving the City's RHNA allocation.

The Housing Element recognizes that the City cannot and does not want to rely on greenfield development (development on previously undeveloped properties) to meet all its future housing needs; infill development of sites with existing infrastructure represent the best potential for residential development; the City's housing stock is expected to be augmented through infill and redevelopment both within and adjacent to major commercial corridors where zoning allows for high-density housing in conjunction with mixed-use development (City of Oceanside Housing Element, Appendix B – Land Inventory). The project site is located along Coast Highway, one of the major corridors identified by the Housing Element, and is in the Downtown Oceanside smart growth opportunity area per the SANDAG San Diego Regional Smart Growth Concept Map. The project is consistent with the site's designation allowing a high-density residential component that will contribute to the City's available housing stock.

The project location is proximate to available transit in the smart growth focus area of Downtown Oceanside, consistent with the City's goals. Future development under the General Plan is based upon sustainable and smart growth principles endorsed by the San Diego Association of Governments (SANDAG), which promote higher density development in key areas near public transit. The project will accommodate a reasonable share of projected regional population growth at intensities that are appropriate with respect to existing development, environmental resources, community character, available services, and available infrastructure. (Housing Element Policy 1.6)

- 7) **Affordable Housing Benefits:** The project will provide 26 affordable (very low income) units. Of the total housing growth need allocated to the City of Oceanside for the 2010-2020 Housing Element projection period, 774 are very-low-income units (31-50% of the area median income as defined by the California Department of Housing and Community Development). These 26 newly constructed affordable units represent an important contribution towards the City's RHNA allocation. These units will be provided consistent with the Housing Element Policies, as discussed below.

CEQA Findings and Statement of Overriding Considerations

The proposed multi-family residential units will include 1-, 2- and 3-bedroom units to accommodate a range of housing needs for different family sizes, and will contribute significantly to the needs of very low-income families through the construction of 26 very-low-income rental units. (Housing Element Policies 2.1 and 2.2)

As documented in the Housing Element, the City has market-rate apartments affordable to lower income households, but it is very difficult to find affordable rentals at the very-low-income levels. The project will help meet some of this demand by adding new very-low-income units into the rental housing stock for Oceanside. These units will be within the Coastal Zone, which often proves to be a further constraint to affordability (Housing Element Policy 3.7).

The City's Density Bonus Ordinance complies with current state housing law, in order to facilitate higher density for developments that provide affordable housing. This project utilizes the density bonus provisions under these laws to provide market rate and affordable housing units without the need for a public subsidy of the construction. (Housing Element Policy 3.2)

All the project units, both market rate and affordable, will be constructed to meet the current building standards in a quality residential building. Affordable units would be built to the same standards and design as the market rate units. All units will have access to the same onsite tenant amenities and recreational facilities. (Housing Element Policy 3.4)

- 8) **Community Benefit:** The project will provide for improvements identified in the City's Coast Highway Corridor Plan, including bicycle lanes and a pedestrian crossing including continental striping, bulb-outs and flashing beacons to enhance pedestrian safety. In addition, the project would also include traffic-calming solutions including median improvements and "Keep Clear" roadway markings, and widening Costa Pacifica Way to provide an additional dedicated turning lane. The project will assist the City in implementing its Coast Highway Corridor Plan by providing the listed improvements and not widening North Coast Highway in a manner contrary to what is contemplated by the General Plan and the Coast Highway Corridor Plan.

The project includes community fire access improvements that also benefit the community. While not required, the project includes purposely locating a hydrant near the MiraMar mobile home community with the intent that it may be used by the City's fire personal for both the project and nearby MiraMar development. Accordingly, the project also includes an internal fire lane to enhance access for fire trucks to this area. In order to facilitate hose-pull and firefighter access from the project site into the mobile home community, two firefighter access gates would be provided through the boundary fence on the west side of the project that would each have restricted knox locks. Overall, this would improve fire access to the nearby MiraMar mobile home community.

CEQA Findings and Statement of Overriding Considerations

B. Conclusion

Considering the foregoing, and the information contained within the Final EIR and other portions of the project record, the City finds that implementation of the Alta Oceanside project will result in the development of a beneficial project with the economic, legal, social, technological, or other benefits identified above and elsewhere in the administrative record. The City further finds that these benefits outweigh the significant, unavoidable transportation impacts of the project and, accordingly, adopts these Findings and Statement of Overriding Considerations.