

CHAPTER 8 ALTERNATIVES

8.1 SCOPE AND PURPOSE

Section 15126.6(a) of the California Environmental Quality Act (CEQA) Guidelines requires that an environmental impact report (EIR) “describe a range of reasonable alternatives to the proposed project, or to the location of the project, that would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant environmental effects of the project, and evaluate the comparative merits of the alternatives.” Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project. Instead, the EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (California Public Resources Code, Section 21002.1), the purpose of an EIR’s alternatives discussion is to focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if the alternatives would impede to some degree the attainment of the project’s objectives or be more costly.

However, an EIR need not consider alternatives that are infeasible. There also is no ironclad rule governing the nature or scope of the alternatives to be discussed in an EIR, other than the “rule of reason.” The “rule of reason” governing the range of alternatives specifies that an EIR should only discuss those alternatives necessary to foster meaningful public participation and informed decision making.

The CEQA Guidelines require the EIR to analyze a “No Project” Alternative. CEQA also requires that an EIR identify the environmentally superior alternative from among the evaluated alternatives. If the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives (14 CCR 15126.6(e)(2)).

The Cypress Point Project (proposed project) would not result in any significant and unavoidable impacts. The proposed project would result in potentially significant impacts that would be reduced to a level below significant related to the following: biological resources, cultural resources, geology and soils, and tribal cultural resources. The proposed project would result in no impact or less-than-significant impacts to the following: aesthetics, air quality, agriculture and forestry resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, mineral resources, population and housing, public services, recreation, traffic and circulation, utilities and service systems, and wildfire.

For each of the alternatives identified, this EIR conducts the following assessment:

- Describe the alternative
- Determine if the alternative would meet most of the basic project objectives
- Assess potential feasibility of the alternative
- Determine if the alternative would potentially eliminate or reduce a potentially significant impact of the project

If the alternative meets the above criteria and provides a meaningful CEQA analysis, then the EIR analysis will address the potential impacts of the alternative relative to those potentially significant impacts of the project. An environmentally superior alternative will then be identified based on the alternative’s ability to reduce environmental impacts.

Based on the identified potentially significant environmental impacts above, the objectives established for the project (refer to Section 8.2.1, Project Objectives, below), consideration of local plans and zoning designations, and consideration of public input, this EIR evaluates two alternatives to the proposed project:

1. No Project (No Build) Alternative
2. Revised Site Design for Public Pedestrian Access

8.2 CRITERIA FOR SELECTION AND ANALYSIS OF ALTERNATIVES

8.2.1 Project Objectives

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

1. Ensure both visual and functional compatibility with other nearby land uses, development, and natural features.
2. Design buildings, spaces, and uses that enhance and respect the character of the surrounding area, create a sense of neighborhood, and complement the vision for the area.
3. Ensure the vision for site development is economically feasible.
4. Implement State density bonus law, the Surplus Lands Act, and the City’s General Plan Housing Element by providing housing for a mix of income levels, including at least 15% of the project’s base dwelling units for low-income households on the project site.

5. Provide new market rate and affordable housing on a site that is consistent with the City’s General Plan, Zoning Ordinance, Density Bonus Law, and affordable housing objectives, and to help satisfy the City’s current and future demand for housing.
6. Develop homes on a site that can be served by existing utilities, services, and street access, within close proximity to public transportation and shopping centers.
7. Design a project that compliments and allows for the City’s sewer infrastructure projects to continue and run through the development site.

8.2.2 Feasibility

CEQA Guidelines, Section 15126.6(f)(1), identifies the factors to be taken into account to determine the feasibility of alternatives. The factors include site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and whether the applicant can reasonably acquire, control, or otherwise have access to the alternative site. No one of these factors establishes a fixed limit on the scope of reasonable alternatives. An alternative does not need to be considered if its environmental effects cannot be reasonably ascertained and if implementation of such an alternative is remote or speculative.

It has been recognized that, for purposes of CEQA, “feasibility” encompasses “desirability” to the extent that the latter is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 1001). This balancing is harmonized with CEQA’s fundamental recognition that policy considerations may render alternatives impractical or undesirable (California Public Resources Code Section 21081; CEQA Guidelines Section 15126.6[c] and 15364).

8.2.3 Evaluation of Significant Impacts

According to CEQA Guidelines, Section 15126.6(b), the alternatives discussion should focus on those alternatives that, if implemented, could eliminate or reduce any of the significant environmental impacts of the proposed project (impacts to biological resources, cultural resources, geology and soils, and tribal cultural resources). The significant effects of the project impacts are considered to be those that are identified to be potentially significant prior to the incorporation or implementation of any mitigation measures.

8.2.4 Rationale for the Selection of Alternatives

As part of an alternatives analysis, CEQA requires an EIR to address a No Project Alternative. The purpose of describing and analyzing a No Project Alternative is to allow decision makers to

compare the impacts of approving a proposed project with the impacts of not approving the proposed project.

EIRs should also identify any alternatives that were considered by the Lead Agency but rejected, and briefly explain the reasons why the Lead Agency made such a determination. Among the factors that may be used in an EIR to eliminate alternatives from detailed consideration are (i) failure to meet most of the basic project objectives, (ii) infeasibility, and/or (iii) inability to avoid significant environmental impacts.

In accordance with these requirements and based on comments received during the CEQA Notice of Preparation and scoping process for the proposed project, alternatives to the proposed project were considered and analyzed compared to the proposed project. A No Project (No Build) Alternative is considered as the “no project” alternative. Additionally, a Revised Site Design Alternative is considered to allow for public pedestrian access along the eastern boundary of the site.

8.3 ALTERNATIVES CONSIDERED BUT REJECTED

This EIR considered two additional alternatives that are not carried forward for detailed analysis. These alternatives are described below.

8.3.1 Alternative Location

In accordance with CEQA Guidelines 15126.6(f)(2), an EIR may consider an alternative location for the proposed project but is only required to do so if significant project effects would be avoided or substantially lessened by moving the project to another site. As the project impacts are all site specific, this Location Alternative was considered as a potential alternative. The intent would be to locate an alternative site within an urban area of the City zoned for residential use, that would avoid or substantially lessen one or more of the following impacts: biological, cultural, geology and soils, and tribal cultural resources impacts. This Alternative is assumed to include the same components as the project and would require a site similar to the project’s 7.3-acre site.

There may be sites within the City of an approximately equivalent size to the project site that could be redeveloped with a residential project; however, the project applicant does not own another site within the City of comparable land area that is available for development of the project. One of the factors for feasibility of an alternative is “whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” The property was sold as surplus land by the City to Concordia Communities, LLC. It is unlikely and speculative to assume the feasibility of assembling another site similar to the proposed project that meets most of the project objectives and avoids or substantially lessens the project’s potential

significant impacts. The Alternate Location Alternative was considered but rejected due to feasibility. As an independent basis, the Alternate Location Alternative was considered but rejected due to the project’s proposed residential development being consistent with the General Plan, Surplus Lands Act of California, and other applicable land use plans and regulations. As a result of that consistency with the adopted land use policy documents, and this EIR’s inclusion of a reasonable range of alternatives, CEQA does not require consideration of an off-site alternative that may not even be feasible to identify let alone acquired.

8.3.2 Reduced Density Alternative

Reducing the proposed density was considered in response to community concerns associated with the number of units proposed to be developed on site. A developer, however, may acquire the right to develop at a specific density under State of California Density Bonus Law (Government Code Section 65915-65918). The State of California’s Density Bonus Law was established to promote the construction of affordable housing units and allows projects to exceed the maximum designated density and to use development standard waivers, reductions or incentives and concessions in exchange for providing affordable housing units in compliance with all current density bonus regulations. The City implements these state requirements. The project proposes 54 total single-family homes, which is fewer than the 57 allowed under the density bonus (please refer to Table 3-2 in Chapter 3 of this EIR for a summary of the proposed unit count based on the density bonus).

Additionally, property was sold as surplus land by the City to Concordia Communities, LLC. Under the Surplus Lands Act of California, if a project is developed with 10 or more residences, no fewer than 15% of those residences must be designated as “affordable” as defined by the state. Therefore, under the Surplus Lands Act 15% of the proposed homes, or 8 units, must be affordable, which is one (1) more affordable unit than the 7 required under the density bonus law. The project would designate 8 units to be affordable/low-income units, and the remaining 46 units would be market rate, which complies with both the Surplus Lands Act and Density Bonus Law provisions regarding affordable housing. The homes would all be two stories and would range in size from approximately 1,206 to 1,703 square-feet, and each home would have a front porch, two-car garage, and private outdoor space provided in the rear yard. Given the site’s 7.38 acres and the permitted base density of 5.9 units per acre, the project would have an allowed base of 44 units. With approximately 22% of the allowable 27.5% bonus provided in accordance with State Density Bonus law, an additional 10 “bonus density” units are proposed.

With approval of the Density Bonus, the City may not legally require a reduced number of units the applicant is permitted to construct below the 54 single-family units proposed. The reduced density alternative would impede implementation of the State Density Bonus Law and the Surplus Lands Act, and conflict with goals and policies of the City’s General Plan Housing Element.

Additionally, without the requested density bonus, the project would not provide affordable housing on-site to help satisfy the City's current and future demand for housing. The reduced density alternative is not a feasible alternative and would not meet most of the project objectives.

8.3.3 Reduced Footprint Alternative

The Reduced Footprint Alternative has been proposed to remove the portion in the northwest corner of the project site from the site plan. Under the proposed project, this northwest corner of the site would be left undeveloped as part of the City's Draft Subarea Plan hardline preserve and to accommodate the existing San Luis Rey Trail located on the property. The preserved area is just under 1 acre in size which contains a 6-foot masonry wall at the development perimeter to protect it from human contact. Under this alternative, the development area would remain the same as the proposed project, but removal of the hardline preserve area from the site plan, and removal of proposed landscaping along the perimeter wall could potentially result in reduced off-site biological impacts.

However, considering the location of the proposed development, the Reduced Footprint Alternative would continue to result in potentially significant impacts to sensitive habitat on- and off-site and nesting/migratory birds. While this alternative would result in impacts to these biological resources, off-site impacts would be potentially lessened considering the reduced disturbances. While this alternative could potentially reduce off-site impacts to sensitive habitat, this area would remain undeveloped under the proposed project, and this alternative would result in the similar impacts to on-site biological resources. Therefore, this alternative would result in similar biological resource impacts compared to the proposed project.

Similarly, since the development area that would be graded would remain as proposed, the potential to impact unknown subsurface cultural, tribal cultural, and paleontological resources would remain the same as the proposed project.

The Reduced Footprint Alternative would likely impede the requested density bonus, as a result of the reduced acreage, which would impact the amount of affordable housing on-site. Therefore, the Reduced Footprint alternative would not be a feasible alternative, although it would meet some of the project objectives.

8.4 ALTERNATIVES UNDER CONSIDERATION

8.4.1 No Project (No Build) Alternative

8.4.1.1 Alternative Description

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

8.4.1.2 Comparison of Significant Effects

Biological Resources

No significant impacts to sensitive biological resources would occur under this alternative. The project site is currently undeveloped but previously disturbed, and supports four vegetation/habitat types, including southern willow scrub, non-native grassland, disturbed habitat and urban/developed land. Potentially significant impacts to existing non-native grasslands, sensitive habitat outside the proposed project footprint, and nesting and migratory birds, would not occur under this alternative; however, it may not be conserved. Nevertheless, this alternative would avoid biological resource impacts of the proposed project.

Cultural Resources

This alternative would not require any excavation or grading; therefore, this alternative would not encounter known and unknown potentially significant archaeological resources. Therefore, this alternative would avoid cultural resource impacts of the proposed project.

Geology and Soils

No grading would occur under this alternative; therefore, there would be no potential impact to paleontological resources. Therefore, this alternative would avoid geology and soils (paleontological resource) impacts of the proposed project.

Tribal Cultural Resources

No construction or development would occur on site under this alternative. Therefore, this alternative does not have the potential to affect Tribal Cultural Resources (TCRs). Therefore, this alternative would avoid TCR impacts of the proposed project.

8.4.1.3 Relation to Project Objectives

This alternative would not meet any of the project objectives.

8.4.2 Revised Site Design for Public Pedestrian Access Alternative

8.4.2.1 Alternative Description

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

8.4.2.2 Comparison of Significant Effects

Biological Resources

The Revised Site Design Alternative would be located within the same site as the proposed project, and the disturbance area would remain the same. This alternative would continue to result in potentially significant impacts to biological resources, and under this alternative more people would access the site as it would turn the private path into a public path. Therefore, this alternative would result in similar biological resource impacts compared to the proposed project.

Cultural Resources

The Revised Site Design Alternative would be located within the same site as the proposed project, and the disturbance and grading area would remain the same as proposed. This alternative would continue to result in potentially significant impacts to cultural resources. Therefore, this alternative would result in similar cultural resource impacts compared to the proposed project.

Geology and Soils

The Revised Site Design Alternative would be located within the same site as the proposed project, and the disturbance and grading area would remain the same as proposed. Similar to cultural resources, this alternative would continue to result in potentially significant impacts to paleontological resources. Therefore, this alternative would result in similar geology and soils (paleontological resource) impacts compared to the proposed project.

Tribal Cultural Resources

Similar to cultural resources, this alternative would continue to result in potentially significant impacts to tribal cultural resources as the disturbance and grading area would remain as proposed. Therefore, this alternative would result in similar tribal cultural resource impacts compared to the proposed project.

8.4.2.3 Relation to Project Objectives

The Revised Site Design for Public Pedestrian Access Alternative would meet all the project Objectives. However, during the scoping meetings held for the project, feedback was gathered from neighbors in the adjacent residential development to the east that a public path along the eastern boundary of the site would further reduce privacy and increase noise along their fence line. Therefore, this alternative could conflict with objective number 1, compatibility with other nearby land uses.

8.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Table 8-1 outlines the comparative impacts between each alternative and the proposed project. The No Project (No Build) Alternative would result in the least environmental impacts in comparison to the project; however, it would not meet any of the project objectives, and there is no certainty that the project site would remain undeveloped in perpetuity. Nevertheless, because the No Project (No Build) Alternative would reduce all potentially significant impacts to biological resources, cultural resources, geology and soils, and tribal cultural resources, it would be the environmentally superior alternative. However, CEQA Guidelines, Section 15126.6(e)(2), states that if the environmentally superior alternative is the “no project” alternative, the EIR also must identify an environmentally superior alternative among the other alternatives. However, after consideration of the alternatives identified to reduce potential environmental impacts compared to the proposed project, none of the other alternatives identified are environmentally superior to the proposed project as they would result in the same or similar impacts to that of the proposed project. In such a circumstance, it is sufficient that the EIR explain the environmental advantages and disadvantages of each alternative, as is done above.

Table 8-1
Comparative Summary of Alternatives Under Consideration and Proposed Project

Alternative	Impacts			
	<i>Biological Resources</i>	<i>Cultural Resources</i>	<i>Geology and Soils</i>	<i>Tribal Cultural Resources</i>
No Project (No Build)	Less	Less	Less	Less
Revised Site Design	Same	Same	Same	Same

“Less” = reduced impact relative to the project

“Same” = similar impact relative to the project

“More” = greater impact relative to the project

INTENTIONALLY LEFT BLANK