

APPENDIX Q

Comment Letters and Response to Comments

APPENDIX Q
Volume I
Comment Letters

Prepared by:

DUDEK

605 Third Street
Encinitas, California 92024
Contact: Brian Grover

NOVEMBER 2021

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Comment Letter A1



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer to:
FWS-SDG-20B0256-22CPA0019

November 16, 2021
Sent Electronically

Richard Greenbauer
Planning Division
300 North Coast Highway
Oceanside, California 92054

Subject: Comments on the Draft Environmental Impact Report for the Cypress Point Project, City of Oceanside, San Diego County, California

Dear Richard Greenbauer:

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced draft Environmental Impact Report (dEIR) for the Cypress Point Project (Project), in the City of Oceanside (City), California. The Service appreciates the opportunity to provide comments and recommendations on the dEIR. Our comments and recommendations are based on the information provided in the dEIR and associated documents; our knowledge of sensitive and declining vegetation communities in San Diego County; and our participation in the Multiple Habitat Conservation Program (MHCP) and the City's draft MHCP Subarea Plan (SAP).

A1-1

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act.

A1-2

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

A1-3

The proposed project includes development of 54 single-family homes on the 7.3-acre project site located around a private loop road within the project site. Primary access to the project site is proposed to be taken from a westerly extension of Pala Road, at the southern edge of the project site. Secondary

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emergency only access is proposed via Aspen Street, at the midpoint of the project site on the east side. In the event of an emergency the Aspen Street gate can be accessed by the Fire Department by Knox box entry device.

The northwest corner of the project site is within the draft SAP hardline preserve (preserve)/Wildlife Corridor Planning Zone (WCPZ). The project proposes to impact 0.9 acre of the preserve/WCPZ and avoid the rest to accommodate the existing San Luis Rey Trail located on the property. The proposed project includes a 6-foot masonry wall at the development perimeter and other design features to minimize potential impacts to the preserve.

Our primary concern is proposed impacts to the preserve/WCPZ. The Service offers the following recommended conservation measures and comments to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to help ensure that the project is consistent with the City's draft SAP:

1. None of the alternatives analyzed in the dEIR would avoid project impacts to the preserve/WCPZ. Therefore, we recommend that an alternative be included in the final EIR that avoids all impacts to the preserve/WCPZ. If that alternative is determined to be infeasible, then Comment 2 would apply.
2. The dEIR does not include a discussion of how the proposed impacts to 0.9 acre of the preserve/WCPZ will be mitigated. A mitigation approach was submitted to the Service and the California Department of Fish and Wildlife (CDFW; jointly the Wildlife Agencies) in the *Biological Letter Report Concordia Homes-Cypress Point Project-San Luis Rey River Buffer Habitat Restoration Proposal* dated April 5, 2021 (BLR, Merkel 2021). The BLR proposes low intensity coastal sage scrub (CSS) restoration of 0.9 acre on City land located northeast of project site that will be added to the preserve and of 3.5 acres on City land north and west of project site already in the preserve/WCPZ. In general, we concur with the mitigation proposed in the BLR. However, we recommend that a higher intensity CSS restoration be done that may support gnatcatcher breeding, especially in the proposed 3.5-acre area. Consistent with Section 7.2.3 and Appendix E of the draft SAP, a restoration plan should be submitted to the Wildlife Agencies for approval at least 30 days prior to initiating project impacts. In addition, to be consistent with Section 3.2.4 of the draft SAP, these areas should be managed as part of the City's preserve with conservation easements recorded over them. The final EIR should include mitigation measures agreed to by the Wildlife Agencies for impacts to 0.9 acre of the preserve/WCPZ.
3. To be consistent with Section 5.3.1.1 *Compensatory Mitigation Standards* of the draft SAP, we recommend that MM-BIO-1 be revised to state that prior to issuance of a grading permit, the applicant will submit documentation to the City and the Wildlife Agencies, demonstrating conservation of 3.5 acres of non-native grassland within the WCPZ for unavoidable project impacts to non-native grassland. We request a meeting with the City and applicant to discuss potential mitigation options, including up-tiering to coastal sage scrub preservation or restoration in the WCPZ.

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4. We recommend the proposed design features to minimize potential impacts to the preserve/WCPZ listed in Section 4.3 be included as mitigation measures in the final EIR.
5. According to the dEIR, the project site was sold as surplus land by the City to Concordia Communities, LLC. We request a meeting to discuss what other surplus properties the City may sell that may benefit the preserve/WCPZ, and options for purchasing/preserving them.

A1-10

A1-11

The Service appreciates the opportunity to comment on the dEIR to assist the City in identifying and mitigating Project impacts on biological resources and to help ensure that the project is consistent with the City's draft SAP. If you have any questions regarding our comments, please contact Janet Stuckrath¹ at 760-431-9440, extension 270.

A1-12

Sincerely,
**DAVID
ZOUTENDYK**
for Jonathan D. Snyder
Assistant Field Supervisor

Digitally signed by
DAVID ZOUTENDYK
Date: 2021.11.16
15:49:12 -08'00'

cc:
Melanie Burlaza, CDFW
Jennifer Turner, CDFW

LITERATURE CITED

Merkel & Associates, Inc. 2021. Concordia Homes-Cypress Point project-San Luis Rey River buffer habitat enhancement proposal. Prepared for Jeb Hall, Concordia Homes. April 5, 2021.

¹ Janet_stuckrath@fws.gov.

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Comment Letter A2

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 19, 2021

Mr. Richard Greenbauer
Development Services Department, Planning Division
City of Oceanside
300 North Coast Highway, Oceanside, CA 92054
(760) 435-3519
RGreenbauer@oceansideca.org

**Subject: Cypress Point (PROJECT); Draft Environmental Impact Report (DEIR);
SCH #2021040691**

Dear Mr. Greenbauer:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Oceanside (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

A2-1

A2-2

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Oceanside (City) participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the subregional San Diego County Multiple Habitat Conservation Plan (MHCP). However, the SAP was not finalized and has not been adopted by the City or received permits from the Wildlife Agencies (jointly, CDFW and the U.S. Fish and Wildlife Service (USFWS)).

PROJECT DESCRIPTION SUMMARY

Proponent: Concordia Homes

Objective: A request for approval of Tentative Map (T21-00001), Development Plan (D21-00001), and a request for Density Bonus (DB21-00001) to allow the construction of 54 single-family homes ranging from about 1,200 to 1,700 square feet in size, located around a private loop road within the Project site. The site consists of a vacant parcel (Assessor's Parcel Number, APN, 158-301-48-00) of approximately 7.3 acres. Because of the City of Oceanside's Draft Subarea Plan (SAP) hardline preserve and to accommodate the existing San Luis Rey Trail located on the property, a portion in the northwest corner of the site will not include buildings. The proposed homes would be set back from existing residential homes on the east side by approximately 50 feet and borders the San Luis Rey River to the west. Primary site access is proposed to be taken from a westerly extension of Pala Road at the southern edge of the project site.

Location: The Project site is located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersections in the City of Oceanside. The site consists of a vacant parcel (APN 158-301-48-00) of approximately 7.3 acres.

Biological Setting: The Project site is bounded by residential development to the south and east and the San Luis Rey River (SLRR) to the west and north. Along the northern and western boundaries of the Project site is designated Hardline Preserve. A portion of the northwestern corner of the Project site is also designated Hardline Preserve and is a part of the Wildlife Corridor Planning Zone (WCPZ) designated by the City's draft SAP. The WCPZ is a particularly important area for future conservation and native habitat restoration as it would facilitate movement of sensitive species such as the federally threatened coastal California gnatcatcher (*Polioptila californica californica*, gnatcatcher), which is a focal species for regional conservation planning efforts.

Four vegetation/habitat types were identified within the Project's biological study area, which includes the Project property parcel, proposed offsite project elements and a 25-foot habitat mapping buffer. The vegetation types identified within the biological study area were southern willow scrub (0.2 acre), non-native grassland (15.9 acres), disturbed habitat (2.6 acres), and urban/developed land (2.6 acres). Several special status species were detected adjacent to the Project site, including least Bell's vireo (*Vireo bellii pusillus*; ESA listed Endangered, CESA listed Endangered), light-footed Ridgway's rail (*Rallus obsoletus levipes*; ESA listed Endangered, CESA listed Endangered, California Fully Protected (FP)), southwestern willow flycatcher (*Empidonax traillii eximius*; ESA listed Endangered, CESA listed Endangered), yellow-breasted chat (*Icteria virens*; California Species of Special Concern (SSC)), and yellow warbler (*Setophaga petechia*; SSC).

Timeframe: Approximately 14 months, beginning Spring 2023

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the document.

A2-4

COMMENT #1: Wildlife Corridor Planning Zone and Coastal Sage Scrub Enhancement

The Project will result in 0.9 acre of direct impacts to the WCPZ, consisting primarily of non-native grassland habitat. The Project proposes 1:1 mitigation for impacts to the WCPZ in the form of low-intensity coastal sage scrub (CSS) enhancement on City-owned land located northeast of the Project site. This mitigation area is outside of but contiguous with the existing WCPZ in the Project vicinity. CDFW appreciates the effort to conserve land beyond the recommended 0.5:1 mitigation ratio and we agree with the mitigation location. Additionally, the Project also proposes low-intensity enhancement of 3.5 acres on City-owned land within the Hardline Preserve and WCPZ to the north and west of the Project site. It is not clear within the DEIR if these 3.5 acres are separate from or include the 0.9-acre mitigation for impacts to the WCPZ. These mitigation areas also consist primarily of non-native grassland habitat.

A2-5

Issue: We are concerned that the low-intensity enhancement effort will not be sufficient to restore the area according to the draft SAP conservation goals. Rather, high-intensity restoration of these areas would be consistent with the conservation goals provided in the draft SAP to create suitable habitat for the coastal California gnatcatcher within the WCPZ.

Specific impact: The northwest corner of the Project site is designated as WCPZ/Preserve and the Project will permanently remove 0.9 acre of non-native grassland habitat to construct homes. In addition, Section 4.3-14 of the DEIR states that there will be 7.0 acres of non-native grassland impacted due to vegetation clearing, grubbing and grading construction activities. We agree that creation of CSS habitat offsite along the San Luis Rey River within the WCPZ is consistent with the draft SAP's goal to support gnatcatcher connectivity. However, low-intensity enhancement (i.e., no site preparation, hydroseeding) is insufficient to restore the habitat to CSS that is suitable for gnatcatcher, given the current habitat quality onsite.

A2-6

Why impact would occur: Section 5.3.1 of the draft SAP, WCPZ General Development Standards, states that properties within the WCPZ must be developed such that wildlife habitat value is maintained and enhanced. Connectivity of natural habitat throughout this zone must also be maintained for wildlife movement, particularly to allow continued connectivity of gnatcatcher and other bird species populations across the City. Loss to the WCPZ should be mitigated accordingly to support movement of gnatcatcher through the area and measures should be taken to maximize success of the restoration effort, as feasible, to meet the conservation goals of the draft SAP to enhance the SLRR buffer to support breeding gnatcatcher. The SLRR itself is also a critically valuable local and regional biological feature, supporting a core population of vireo as well as facilitating east-west wildlife movement through northern San Diego County. For this reason, the project analysis should not focus only on the existing condition of habitat adjacent to the river, but rather ensure that complete buffers are required in order to fully protect the biological values of the river and its biological buffer habitat.

Evidence impact would be significant: The WCPZ was reserved to support wildlife connectivity between Carlsbad and Camp Pendleton, particularly for gnatcatcher and other sensitive bird species. Section 7.2.3 of the draft SAP identifies the primary goal of coastal sage

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scrub restoration to restore degraded habitats to functional sage scrub communities capable of supporting breeding gnatcatcher pairs as particularly critical within the WCPZ. High-intensity restoration is defined in the draft SAP Section 3.2.4 as consisting of initial weed control as well as site preparation potentially including grading, temporary irrigation, container planting, and seeding.

A2-6
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Recommended Potentially Feasible Mitigation Measure(s) and Recommendations

Mitigation Measure #1: A proposed CSS high-intensity restoration plan must be prepared by a qualified restoration biologist that is consistent with the guidelines in the MHCP Section 6 as well as the City's draft Subarea Plan Section 5.3.1 WCPZ and Section 7.2.3 Habitat Restoration, or as approved by the City and Wildlife Agencies. High-intensity CSS restoration should be done such that the resulting habitat may support gnatcatcher breeding. Consistent with Section 7.2.3 and Appendix E of the draft SAP, a restoration plan should be submitted to the Wildlife Agencies for approval at least 60 days prior to initiating project impacts.

A2-7

Mitigation Measure #2: To be consistent with Section 3.2.4 of the draft SAP, the restoration areas should be managed as part of the City's Preserve with conservation easements recorded over them.

Recommendation #1: The final EIR should include a specific acreage breakdown of impacts from the Project outside of the WCPZ, which are mitigated at 0.5:1 and impacts within the WCPZ, which are mitigated at 1:1. The City should verify that the proposed mitigation acreage adequately reflects the proposed Project impacts.

COMMENT #2: Fuel Modification

CDFW responded to the NOP for this Project and requested that the DEIR include a discussion of any fuel modification requirements to allow CDFW to assess potential impacts to biological resources. CDFW recommended that all fuel modification requirements be met on the Project site, and not in mitigation lands or habitat adjacent to the Project. Habitat subjected to fuel modification (e.g., thinning, trimming, removal of mulch layer) should be considered an impact to these vegetation communities and mitigated accordingly. The DEIR did not include such discussion; thus, we cannot adequately assess potential impacts to the biological resources adjacent to the Project site.

A2-8

Issue: The draft SAP states that fuel modification activities shall not occur within the 100-foot biological buffer from the San Luis Rey River (Section 5, page 18). However, the Project map (Figure 5 of the Biological Impact Report) indicates that the northwestern section of the development directly abuts the 100-foot biological buffer. Therefore, fuel modification should not adversely impact resources in the adjacent buffer areas or mitigation lands.

A2-9

Specific impact: Fuel modification activities may include vegetation thinning, trimming, and removal of the mulch layer, which are activities prohibited within the 100-foot biological buffer.

Why impact would occur: There is no specific language within the DEIR materials indicating what fuel modification activities may occur as part of Project activities or future maintenance to provide a buffer to the proposed homes. In the absence of this clarification, CDFW is concerned that fuel modification activities have the potential to occur within the sensitive biological area, and if so, would not have been adequately mitigated.

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Evidence impact would be significant: Section 5, page 18 of the draft Oceanside Subarea Plan states,

Conservation and Buffer Requirements along the San Luis Rey River. Wherever development or other discretionary actions are proposed in or adjacent to riparian habitats along the San Luis Rey River, the riparian area and/or other wetlands and associated natural habitats shall be designated as biological open space and incorporated into the Preserve. In addition, a minimum 100-foot biological buffer shall be established for upland habitats, beginning at the outer edge of riparian vegetation. The following uses are prohibited in the 100-foot biological buffer: (1) new development, (2) new pedestrian and bike trails or passive recreational uses not already planned, and (3) fuel modification activities for new development. (emphasis added)

More broadly, Section 5.2.5 of the Subarea Plan states,

Fuel breaks and fuel modification zones shall not be permitted in biological and planning buffers, and cannot be counted as biological open space for the purpose of determining onsite or offsite mitigation credit.

Recommended Potentially Feasible Mitigation Measure(s) and Recommendations

Recommendation #2: The final EIR should specify the location for fuel modification activities for the Project and address any mitigation requirements for permanent habitat loss within the 100-foot biological buffer. The City should verify that sufficient mitigation has been provided for project impacts, such that no mitigation credit is being given for fuel management areas.

Recommendation #3: CDFW recommends any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction and/or persistence of invasive Argentine ants. Previous studies have indicated Argentine ant abundance at riparian-scrub edges and urban-scrub edges depends on soil moisture, therefore runoff containment would discourage colonization and recruitment by invasives and encourage native ant species (Holway and Suarez 2006).

COMMENT #3: Management of Preserve Areas and Biological Buffer

Issue: The DEIR states that the Project will restore 3.5 acres of nonnative grassland to CSS within the City's Hardline Preserve as part of their mitigation requirements. To be consistent with the draft SAP, the Project should also include restoration of the 100-foot biological buffer and incorporate the buffer into the City's Preserve. The DEIR does not address how these areas will be conserved and maintained.

Specific impact: The Project site and associated mitigation areas will be surrounded by significant human use. Without a habitat management plan (HMP) in place and a commitment by the City to perform active management and monitoring, the Preserve and thereby the sensitive natural resources therein will be subject to trespassing, invasive species, litter, etc. Additionally, the restored areas are intended to improve connectivity for gnatcatcher as part of the City's conservation commitment to provide a gnatcatcher corridor within the Oceanside SAP area. In the absence of an HMP and active management, these areas are also subject to degradation, and thus loss in value to the conservation of gnatcatcher and its habitat.

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Specific Impact: The Project site will have significant human use by residents and thereby the sensitive natural resources within the adjacent open space/Preserve will be subject to trespassing, litter, and other negative effects.

Why the impact would occur: The construction of a housing development will result in various anthropogenic impacts to the habitat, such as litter, noise, and light pollution.

Evidence impact would be significant: Edge effects are known to result in extirpation of species from an area and facilitation of invasive species introduction. The adjacent Preserve area is critical habitat for least Bell's vireo, valuable breeding habitat for southwestern willow flycatcher, and once CSS is established, will be suitable habitat for gnatcatcher.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #5: Signage and fencing should be installed along the open space to restrict entry to the Preserve. CDFW recommends fencing 6' or taller to sufficiently act as a barrier to entry.

Mitigation Measure #6: All lighting, including lighting from residents, should be directed away from the open space boundary. The lighting should be kept to a minimum and glare should avoid sensitive areas.

Recommendation #4: CDFW requests that the homeowner's association include a homeowner awareness program to provide information about the sensitive biological resources within the San Luis Rey River and the adjacent Preserve, including the restoration areas.

I. Additional Comments

COMMENT #5: Lake and Streambed Alteration Agreement

The Project proposes to remove and replace a portion of a stormwater pipeline and associated outfall along the eastern edge of the adjacent Preserve. CDFW has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW, as a Responsible Agency under CEQA, may consider the City's EIR for the project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the City's document should fully identify the potential impacts to any stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA.

Whether a LSAA is required to satisfy requirements of FCG section 1600 et seq. can only be determined at the time a formal Notification package is submitted to CDFW. Given that design elements of the proposed Project include replacement of a stormwater pipeline and outfall, we strongly encourage Concordia Homes to consider submittal of a streambed notification package to the Lake and Streambed Alteration Program.

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COMMENT #6: Landscaping

Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. The City should not plant, seed, or otherwise allow introduction of invasive exotic plant species to landscaped areas that are adjacent and/or near native habitat areas. Species such as pampas grass (*Cortaderia* sp.), fountain grass (*Pennisetum* sp.), and giant reed (*Arundo donax*) should be prohibited. CDFW recommends using native, locally appropriate plant species and drought tolerant, lawn grass alternatives to reduce water consumption. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage (available here: <https://www.cal-ipc.org/solutions/prevention/landscaping/dpp/>).

A2-16

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

A2-17

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

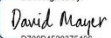
A2-18

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Oceanside in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Melanie Burlaza, Environmental Scientist, at Melanie.Burlaza@wildlife.ca.gov.

A2-19

Sincerely,
DocuSigned by:

D7064520375406...
David A. Mayer
Environmental Program Manager
South Coast Region

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Attachments

- A. CDFW Comments and Recommendations

ec: CDFW

David Mayer, San Diego – David.Mayer@wildlife.ca.gov
Karen Drewe, San Diego – Karen.Drewe@wildlife.ca.gov
Melanie Burlaza, San Diego – Melanie.Burlaza@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov
Jonathan Snyder, USFWS – Jonathan_D_Snyder@fws.gov

REFERENCES

1. California Environmental Quality Act (CEQA). California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.
2. California Office of Planning and Research. 2009 or current version. CEQA: California Environmental Quality Act. Statutes and Guidelines, § 21081.6 and CEQA Guidelines, § 15097, §15126.4(2)
3. Fish & Game Code §3503
4. City of Oceanside 2010. Oceanside Draft MHCP Subarea Plan. Available from: <http://www.ci.oceanside.ca.us/gov/dev/planning/subarea.asp>
5. California Invasive Plant Council. 2020. Don't Plant a Pest. Alternatives to invasive horticultural plants. Available from: <https://www.ca-ipc.org/solutions/prevention/landscaping/dpp/>
6. Holway, David A. and Andrew V. Suarez. 2006. *Homogenization of ant communities in mediterranean California: The effects of urbanization and invasion.*



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APPENDIX Q (Continued)

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Richard Greenbauer
 City of Oceanside
 November 19, 2021
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Attachment A:

CDFW Draft Mitigation, Monitoring, and Reporting Plan and Associated Recommendations

	Mitigation Measures	Timing	Responsible Party
Mitigation Measure #1	A proposed CSS high-intensity restoration plan must be prepared by a qualified restoration biologist that is consistent with the guidelines in the MHCP Section 6 as well as the City's draft Subarea Plan Section 5.3.1 WCPZ and Section 7.2.3 Habitat Restoration, or as approved by the City and Wildlife Agencies. High-intensity CSS restoration should be done such that the resulting habitat may support gnatcatcher breeding. Consistent with Section 7.2.3 and Appendix E of the draft SAP, a restoration plan should be submitted to the Wildlife Agencies for approval at least 60 days prior to initiating project impacts.	Prior to construction	Concordia Homes and City of Oceanside
Mitigation Measure #2	To be consistent with Section 3.2.4 of the draft SAP, the restoration areas should be managed as part of the City's Preserve with conservation easements recorded over them.	Prior to and after construction	City of Oceanside
Recommendation #1	The final EIR should include a specific acreage breakdown of impacts from the Project outside of the WCPZ, which are mitigated at 0.5:1 and impacts within the WCPZ, which are mitigated at 1:1. The City should verify that the proposed mitigation acreage adequately reflects the proposed Project impacts.	Prior to construction	City of Oceanside
Recommendation #2	The final EIR should specify the location for fuel modification activities for the Project and address any mitigation requirements for permanent habitat loss within the 100-foot biological buffer. The City should verify that sufficient mitigation has been provided for project impacts, such that no mitigation credit is being given for fuel management areas.	Prior to construction	City of Oceanside

A2-20

APPENDIX Q (Continued)

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Richard Greenbauer
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<p>Recommendation #3</p>	<p>CDFW recommends any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction and/or persistence of invasive Argentine ants. Previous studies have indicated Argentine ant abundance at riparian-scrub edges and urban-scrub edges depends on soil moisture, therefore runoff containment would discourage colonization and recruitment by invasives and encourage native ant species (Holway and Suarez 2006).</p>	<p>Prior to construction</p>	<p>City of Oceanside</p>
<p>Mitigation Measure #3</p>	<p>The final EIR should specify that the biological buffer adjacent to the Project site will be restored to CSS consistent with Section 7.2.3 of the draft SAP as feasible. The 100-foot biological buffer should be managed as part of the City's Preserve with a conservation easement recorded.</p>	<p>Prior to construction</p>	<p>City of Oceanside</p>
<p>Mitigation Measure #4</p>	<p>For all mitigation areas and the biological buffer, conservation easements should be processed, an HMP prepared and adopted, and a reliable funding source should be identified for all mitigation areas prior to initiating construction. A long-term, non-wasting endowment to fund management for the Preserve to these areas to maintain their biological value should be established. Any restoration, enhancement and management activities should be delineated within these plans.</p>	<p>Prior to construction</p>	<p>City of Oceanside</p>
<p>Mitigation Measure #5</p>	<p>Signage and fencing should be installed along the open space to restrict entry to the Preserve. CDFW recommends fencing 6' or taller to sufficiently act as a barrier to entry.</p>	<p>Prior to construction</p>	<p>City of Oceanside</p>



A2-20
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APPENDIX Q (Continued)

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Richard Greenbauer
 City of Oceanside
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 Page 12 of 12

Mitigation Measure #6	All lighting, including lighting from residents, should be directed away from the open space boundary. The lighting should be kept to a minimum and glare should avoid sensitive areas.	Prior to, during and after construction	City of Oceanside
Recommendation #4	CDFW requests that the homeowner's association include a homeowner awareness program to provide information about the sensitive biological resources within the San Luis Rey River and the adjacent Preserve.	After construction	Concordia Homes
Recommendation #5	Whether a LSAA is required to satisfy requirements of FCG section 1600 et seq. can only be determined at the time a formal Notification package is submitted to CDFW. Given that design elements of the proposed Project include replacement of a storm water pipeline and outfall, we strongly encourage Concordia Homes to consider submittal of a streambed notification package to the Lake and Streambed Alteration Program.	Prior to construction	Concordia Homes

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A2-20
Cont.
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APPENDIX Q (Continued)

Comment Letter A3



CITY OF OCEANSIDE

PUBLIC WORKS DEPARTMENT

October 21, 2021

Linscott, Law & Greenspan, Engineers
4542 Ruffner Street
Suite 100
San Diego, CA 92111

RE: Review Local Transportation Assessment (August 2021) – Cypress Point, Oceanside

John and Amelia –

The Transportation Section has reviewed the LTA dated August 2021 and have comments:

1. Thank you for appending the Oceanpointe cumulative project trips into Appendix G. We note that these trips were not added to the Total Cumulative Traffic Volumes shown in Figure 7-1. All cumulative project trips should be included. Individually, cumulative projects may not have a significant effect on the roadway system but cumulatively several projects might. We notice in this case that the missing trips will not effect overall level of service at study intersections of concern. However, we would respectfully request that for future LTA's, LTS's and other technical studies, that trips from all cumulative trips be included in the Total Cumulative Traffic Volumes.
2. Please ensure the most recent version of the of the LTA is appended to the EIR.

Traffic Engineering/ Transportation have no further comments and the LTA dated October 2021 is **approved**.

Please don't hesitate to contact me if you have any questions or concerns.

Thank you,

Philip Wragg
Transportation Planner

A3-1

CC: Hamid Bahadori, City Traffic Engineer
Richard Greenbauer, Principal Planner

APPENDIX Q (Continued)

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APPENDIX Q (Continued)

Comment Letter O1



Buena Vista Audubon Society
PO Box 480
Oceanside, CA 92049-0480

November 18, 2021

Mr. Richard Greenbauer, Principal Planner
Planning Division, Development Services Department
300 North Coast Highway
Oceanside, CA 92054

Sent by email: rgreenbauer@oceansideca.org

SUBJECT: Comments on Cypress Point Development DEIR

Dear Mr. Greenbauer:

I am submitting the following comments on behalf of the Buena Vista Audubon Society (BVAS). The proposed Cypress Point development of 54 residential units has potentially significant impacts on biological resources, as it is located adjacent to the San Luis Rey River, a major riparian corridor with a wide range of native wildlife and sensitive species. It is also in the vicinity of important wildlife protected areas, including the BVAS Andy Mauro Nature Preserve, the Whalen Lake Bird Sanctuary, and the Army Corps Wetlands mitigation site.

O1-1

The EIR proposes to mitigate direct impacts on 3.5 acres of non-native grassland with offsite purchase or restoration of coastal sage scrub within the Wildlife Corridor Planning Zone. This would help to create a protected stepping stones corridor within the City for the federally threatened California Gnatcatcher.

O1-2

However, the northwest portion of the development footprint directly impinges on 0.9 acres of Hardline Preserve identified in the Draft Oceanside Subarea Plan for the Multiple Habitat Conservation Plan. The proposed design would place units close to the earthen berm and would create a pinch point in the corridor provided by city-owned open space between the development and the berm. The new housing would be located up against the berm with a variety of indirect impacts to wildlife habitat, such as lighting, noise, litter and domestic pet incursions. It would block wildlife movement along the river corridor, since the steep-sided berm is dominated by a well-used bicycle/pedestrian trail, and is inadequate to function as the required 100-foot biological buffer. The EIR proposal to offset the 0.9-acre reduction of the Hardline Preserve, by preserving 0.9 acres east of the project site, does not resolve this loss of an adequate wildlife buffer.

O1-3

Therefore, the environmentally superior alternative is the Reduced Footprint Alternative that would reduce impacts to below the level of significance. It eliminates development in the Hardline Preserve and retains the open space corridor that provides a buffer for riparian wildlife from this new development. The 3.5-acre offsite mitigation for the loss of non-native grassland is also necessary to mitigate project impacts but should be identified for public disclosure and determination of adequacy.

O1-4

In addition, the sycamore trees proposed for the city-owned corridor should have a provision for long-term maintenance.

Thank you for consideration of our views on this matter.

Sincerely,

O1-5

Joan Herskowitz
Conservation Committee
Buena Vista Audubon Society

APPENDIX Q (Continued)

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APPENDIX Q (Continued)

Comment Letter O2



November 19, 2021

Richard Greenbauer
City of Oceanside
Sent via email to Rgreenbauer@oceansideca.org

Subject: Comments on DEIR- Cypress Point

Mr.Greenbauer:

The mission of Preserve Calavera is to protect, enhance and restore the natural resources of coastal north San Diego County. We cannot protect these resources without addressing climate change that puts so many of our native plants and wildlife at risk of extinction, and ultimately, all of us.

While this project has clearly considered its location next to the San Luis Rey River, we believe that additional analysis and mitigation is required to fully address its potential impacts, particularly those associated with biological resources and GHG.

The following are our specific comments on the DEIR for this project:

Biological Resources

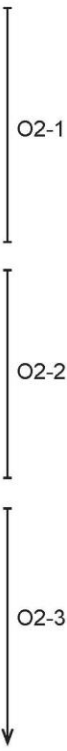
- Fails to consider actual natural site conditions

The DEIR notes that the site appears to have been regularly disked since 2003. Many property owners in North County have altered their sites by intentionally removing sensitive habitat without going through the required approval/mitigation process. It certainly appears that this is one of those properties. What was the natural condition of this land prior to 2003? The EIR should consider that and propose mitigation appropriate for this changed condition that likely was done to avoid such mitigation.

- Impacts to Wildlife Corridor Planning Zone (WCPZ)

Protecting the wildlife corridor on this site is challenging. The berm along the river presents quite a barrier to many species, thereby impacting wildlife movement. This effects the value of habitat outside the berm also as it limits the ability to move between habitat along the river to that outside of the berm.

Although the berm is being counted as part of the biological buffer to the creek, there is no analysis that supports the conclusion that this berm creates real biological value and can therefore be counted as part of the buffer. The high volume of bicycle and pedestrian use, and the long history of unauthorized public use, including dogs and pet waste on and outside the berm, all compromise the value of the berm to support wildlife movement. There really is not a 100'



APPENDIX Q (Continued)

biological buffer. This kind of heavy public use is not allowed in a biological buffer, but it could be part of a planning buffer. The DEIR has failed to adequately evaluate the impacts of this buffer or its actual value/impact on the wildlife movement in this key movement corridor.

Furthermore, the proposed mitigation of 3.5 acres of NNG off site cannot be evaluated without knowing where this will be located nor does that help reduce the impacts at this location along the river.

- Edge effect of development not adequately analyzed/mitigated

The EIR discusses the 6' masonry fence and restrictions on light spillover into the sensitive habitat. However, there is no condition/mitigation measure that ensures that all of the edge effects, including these two, are actually mitigated for the life of the project.

There are numerous cases where homeowners have put gates into back yard fences/walls allowing direct access to the habitat on the other side. There also is no restriction on property owners putting in backyard lights that spillover into the adjacent preserve lands.

The DEIR has not adequately mitigated for these potential edge effects. Our recommendation is that there are conditions added both to the HOA, and through CC&Rs to the future homeowners that specifically address all edge effect conditions.

- Simply planting sycamores to minimize light/noise impacts is insufficient

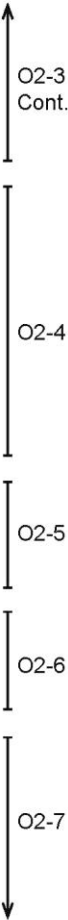
Any mitigation measure like this needs to remain in place for the life of the project. Maintenance of these trees needs to be specifically required for this entire time period—not just an initial installation.

- DEIR failed to properly consider impacts to wetlands

The requirement is to first avoid, then reduce and only after those actions, consider mitigation for any remaining impacts to wetlands. The DEIR failed to indicate that any analysis was done of opportunities to avoid or reduce these impacts.

Land Use

The Density Bonus regulations require a city to allow two waivers. This project proposes six waivers including: lot size, lot width, lot setbacks, lot front landscaping, fence and wall height and plantable retaining walls. There is no analysis of how that number of waivers effects compatibility with the surrounding neighborhood or any other potential impacts. These design standards have a purpose. Failure to comply with so many conditions has potential impacts that have not been evaluated. Furthermore, such waivers are not consistent with the Zoning Ordinance and that inconsistency should have been specifically addressed.



APPENDIX Q (Continued)

The granting of excessive waivers is what allows the development to build 54 units and claim it is under what would be allowed under Density Bonus regulations. How many units could be built if only 2 waivers were included? There is a relationship between the number of waivers and the number of units that would fit on this parcel. The DEIR fails to call out that approving so many waivers has an impact and is what allows increasing the number of units well above what would otherwise be allowed.

↑
O2-7
Cont.

Transportation

- The DEIR has not complied with CEQA requirements for VMT analysis

CEQA now requires evaluation of traffic impacts to consider VMT and not LOS—yet the DEIR only discusses LOS. This does not even comply with the city ordinance related to SB 743 implementation. We realize that the project is likely below the threshold of ADT that triggers project level VMT mitigation, but that does not remove the obligation of the DEIR to document that this was considered and how the project is in compliance.

O2-8

It is not possible to know how many projects will not be evaluated for VMT impacts because they are below the threshold set by the City—but all such projects will still add to cumulative GHG. Since the transportation sector accounts for almost 50% of the communitywide GHG emissions there remain significant potential impacts that have not been addressed.

GHG Analysis

- Project can not rely on GHG reductions in the CAP

The Oceanside CAP is supposed to mitigate for cumulative GHG impacts for all projects that are below the threshold that requires project level action. But the city is years behind with implementing the actions in their adopted CAP, and because of that cannot claim that the CAP constitutes adequate mitigation for those community wide GHG emissions. The three ordinances that have been adopted, at best, result in minimal overall GHG emission reductions as they only apply to large new projects. As a result, our emissions gap only gets worse as the climate crisis becomes more real every day.

O2-9

Shame on this developer for not doing more, our city for not fully implementing the CAP as they are obligated to do, and all of us for allowing this to happen. We owe it to future generations to do more. Meeting the minimum requirements of the building code is not enough. We would like to see meaningful action to reduce the GHG impacts of this project.

Alternatives Analysis

- Inadequate analysis justifying rejection of the environmentally superior alternative

O2-10
↓

APPENDIX Q (Continued)

The project objectives do not require a minimum number of units, or that the number of units be maximized. They do require that, in exchange for density bonus, 15% of the units must be affordable. Reducing the number of units and placing them on a smaller footprint would reduce the impacts on biological resources, GHG and likely others. CEQA requires consideration of a reasonable range of alternatives. It does not require that an alternative meet all of the project objectives. (1) Nor can an alternative be rejected simply because it is less profitable without evidence that this is sufficient to render it impractical to proceed. (2)

O2-10
Cont.

We believe the Reduced Density Alternative was improperly rejected and is the environmentally superior alternative. The Reduced Density alternative, properly designed, would provide far superior protection of the biological resources along the San Luis Rey River and significantly less GHG impact. State law requires per capita GHG to continue to decline up through 2050 as a minimum. The reduced project causes fewer emissions. That alone should justify its selection.

O2-11

The alternatives analysis failed to evaluate a reasonable range of alternatives, rejected ones that would have reduced impacts and failed to correctly evaluate the environmentally superior alternative.

O2-12

Thank you for considering our comments.

Sincerely,
Diane Nygaard, President
Preserve Calavera

O2-13

(1) MiraMar Mobile Community vs City of Oceanside (2004) 119 Cal.App. 4th 477,499.

(2) Citizens of Goleta Vally v. Board of Supervisors ("Goleta I")(1988) 197 Cal App.3d 1167,1181.

APPENDIX Q (Continued)

Comment Letter O3



San Diego County Archaeological Society, Inc.

Environmental Review Committee

19 November 2021

To: Mr. Richard Greenbauer, Principal Planner
Planning Division
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Subject: Draft Environmental Impact Report
Cypress Point Project
Tentative Map T21-00001, Development Plan D21-00001,
Density Bonus DB21-00001

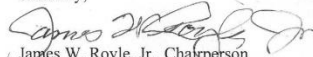
Dear Mr. Madera:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its Appendices D and E, we agree with the impact analysis for cultural resources. We note that the mitigation measures included in the DEIR reflect contemporary practice in the Oceanside area and, as such, they are appropriate.

Thank you for including SDCAS in the City's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Brian F. Smith & Associates
SDCAS President
File

O3-1

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

APPENDIX Q (Continued)

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APPENDIX Q (Continued)

Comment Letter I1

Prelim. EIR Response - Cypress Point

History

There are multiple arguments for why the area referred to as 'Cypress Point' should be left as it has for centuries. After much consideration I think the most compelling is that it provides open space for the higher density you anticipate in the future of Oceanside. My experiences as a resident from Long Beach to Oceanside, and New York to Paris is, I've seen the value of foresight. This land has been much argued over in just the city's short history. I also understand that others found it valuable before then. This particular parcel has a 'history' with the City. First you couldn't build on it. That position was more than once bitterly defended by the residents in the neighborhood whenever they found out 'something' with a developer was afoot, as recently in 2014. All that was noticed with respect to this 'Cypress Point' project, was after the sale, a Private Session of the Council under Covid in 2020. I guess I shouldn't be concerned they can't find anything about the previous encounters over the property in my Public Record Document request.

I1-1

It is also hard to believe that as much pride as the City takes in the San Luis Rey bike trail you wouldn't have sold a section of it to some developer, but according to the Preliminary EIR that is what you did. Can the developer eventually put in a toll booth there, or exercise any authority? (Blazing Saddles). A good portion of this property is located in a hard preserve area, per the PEIR. Why they still want to build after this 'history' shows their memory is short, the profit is quick.

I1-2

Future

That's the history, it's the future that is important to the neighborhood, me, my kids and my grand kids. I note a number of current and retired city employees that live in the neighborhood. I also read in the 2019 Master Plan for Oceanside Parks and Recreation, that shows areas along the Oceanside Blvd transit corridor as the areas of expected growth. According to this, the San Luis Rey neighborhood already has some of the highest density of Population in the city, and adding a further comparison to Park space will further accentuate this deficiency. We are 'under-parked' and you can see that from the foot traffic on that specific parcel. Why do you want to 'help' pack people in here when it already has the highest relative density in the city?

I1-3

One of the requirements from the Master Plan was for 700 miles of trails in the city? This and surrounding parcels have existing, well worn trails already. I myself walk daily with friends and dogs from roughly Fireside park as far up the river as far as terrain permits. This walk includes the subject parcel. We see many other joggers, walkers and dogs over the days.

I1-4

There won't be any open space if we don't preserve it now. This particular area being close to the river and the mission is likely of historical significance for local Indians. As it was this

I1-5

APPENDIX Q (Continued)

morning we still have to share it with the coyotes sometimes. Many of us ride or walk through the area, some with pets to keep a buffer between the wild animals and the two legged ones.

Finally the developers are afraid to do this, but you imagine what 54 two story houses built up on a pad that rivals the bike path is going to look like?



↑ I1-5
Cont.

I1-6

Community

Our community has no gated community as this proposal requests. A gated community for low income residents? We have low income residents that now have a very large investment in the community and it should not be reduced by this development. We have homeless in this neighborhood and they will not benefit from this proposal.

I1-7

Guarantees

I read in the PEIR or my Public Record Request, the city 'guarantees' the delivery of water to the development. I understand that other cities in California are without water. Is the city in any position to guarantee this? Please explain?

I1-8

APPENDIX Q (Continued)

Residences

I think where people live makes a difference in how they treat and value the neighborhood. I'm not so sure you can hire someone else to have those same qualities if they don't live there. Now I understand some jobs don't require you to value the city you work in as much as the paycheck if you do your job, but city planners isn't a trade like plumbing, and you probably won't get a call back. (They fired the last Traffic Analyst.)

I1-9

What I'm trying to say in the most delicate way possible, is that I expect the city planner to try to represent the city resident as much as the city planner who resides in Oceanside and I'm unconvinced as of now. I, in no way want a residence requirement on employment, but certain job descriptions should require representation of the residents, not outside developers.

I1-10

Traffic Analysis

Or rather lack thereof. Living on Pala, I see the traffic that goes from Douglas and Pala to Fireside and Mission on a daily basis. Somehow these Cypress Point 'people' don't go to Fireside and Mission.

I1-11

I'll note the experience on Mission at Academy. City never saw a problem with the one light before, now we have three lights in the space of 100 yards and the middle one is blocked by the 76 overpass eastbound. Good job somebody. I asked. He'd been fired.

R-1 Zoning

Our very own City Planner told us their hands are tied, the state has 'mandated' we have to ignore all our planning and basically do what the developers tell us. He noted SB330. And I've heard that we want four DU's on every R-1 lot to solve the problem of scarcity of low income housing, but he still hasn't explained how this project is going to help the plight of the low income Oceanside worker.

I1-12

We already support the homeless as they camp in the area. In fact we often tour the 'homeless loop' by Fireside Park and we often see them leave for work in the morning. It's been a few months but I've seen people camp on the subject property and I submit that the property may do more for the low income worker left as it is.

I1-13

Flooding

I have observed at Ocean Kamp and in this proposal that the houses are built on a pad that is raised above the floodplain which is nice for the new neighbors but I fear raises the risk of flooding to the existing homeowners. To argue otherwise would put you in the same category as

I1-14

APPENDIX Q (Continued)

the guy who suggested that "to fight sea level rise, we dredge the bay!" It will hold more water, we existing residents will be flooded less, if it isn't landfill.



As it is now, some residents are not able to get Homeowners insurance because they are too close to the river. Is this 'flood thy neighbor' policy official?

Pipes and Planning

I understand some city water pipes, wells and some other cities whose pipes go through the property or nearby and I can only hope the City has planned this better than what I've seen from the developer. On the other hand I'm quite concerned now that I think of the number of and patterns of the street patches on Pala Road right now.

11-14
Cont.

11-15

APPENDIX Q (Continued)

Property Values

I feel that this type of development could have a negative affect on property values by reducing existing home values. It provides windfall profits to developers at the expense of existing property owners. I understand the goal is to lower prices, but is it to lower the quality of life too? I think not. The City may not be thinking of value, but see attached analysis by developers. By telling the city how much less the land was worth by packing them in, they have estimated how much our homes will go down with them in the neighborhood. Thanks, sort of.

11-16

Shades of Prop 13

Prior to Proposition 13, inflation forced people out of their houses through the actions of the assessor's office. Prop 13 fixed that and caused some other problems. Now they're being forced out by a reckless disregard for Zoning, planning and property development by whom?

How would we word Proposition 13b for this theft?

11-17

Aesthetics

The worst part of the PIER evaluations were the aesthetic ones starting with the "Do Nothing" scenario. They state that it will remain as it has for decades and will still be available for development in the future. The only development they can imagine is an exclusive low income favella of some sort. I on the other hand can envision a San Luis Rey River Park from the I-5 to I-15. And I wasn't the first one apparently, SANDAG was. Look at what Bonsall is doing with the San Luis Rey River Park concept
https://www.sdparks.org/content/dam/sdparks/en/pdf/Development/Bonsall%20Park_Final%20Concept%20Plan.pdf

11-18

APPENDIX Q (Continued)

Our neighborhood is not even asking you to give up a golf course like in Bonsall, just what the Oceanside City fathers and mothers think is surplus property and we residents have been using as much needed open space for decades, nay centuries. Some of us are old enough to remember Goat Hill. Is this a picture of the 'San Luis Rey River Park' or the future of 'Urban Blight'? Your call.



Imagine what this development will do to your options in the future! The developers are scared to imagine also but can't see anything other than profits. They don't live here, we do.

NIMBY or YIMBY

I am not a NIMBY by nature and if this project had an ounce of the existing community in it I would be more sympathetic. The city has a plan for growth but look at how it has managed that growth. 76 is backed up by 3 in the afternoon and Ocean Kamp hasn't even opened up yet. We support Ocean Kamp only because it has a mix-use component and has respected the hard preserve along the river. I think I need to see the City manage growth successfully before I can sign on to this decision making process.

Marc Puckett
Oceanside, California

11-19

11-20

11-21

APPENDIX Q (Continued)

Attachment to Comment Letter I1 - Letter of Intent to Purchase 7.38 Acre Parcel - APN 158-30-46-00



April 29, 2019

April 29, 2019

Doug Eddow
City of Oceanside
Property Development Department
Oceanside, CA

RE: LETTER OF INTENT TO PURCHASE 7.38 ACRE PARCEL – APN 158-30-46-00

Dear Doug:

This letter is intended to provide an analysis of values for the abovementioned parcel. We hope this analysis allows you the ability to continue the conversation of value with the City Council in an effort to come up with an acceptable and mutually agreeable purchase price.

The scenarios we analyzed are the following:

Product A:

9.9 DU's/AC Multifamily – Attached 72 UNITS 1,150 SF AVE \$392,000 AVE PRICE

Residual Land Value: \$698,400

Notes: This product assumes a General Plan and Zone Amendment. This effort would be highly controversial with the neighbors and would not be the prudent highest and best use for the City. This product would cause a lot of opposition and likely lawsuits. This assumes the construction of a public park on Pala Road right of way. This also assumes a Net Zero Energy and Carbon Neutral community.

Product B:

5.47 DU's/AC SFD- Single Story 40 UNITS 1,500 SF AVE \$549,000 AVE PRICE

Residual Land Value: \$986,000

Notes: This product assumes using the base density on the site along with a CUP for "Excellence in Design" to get an increase in density up to 5.9 DU's/AC. This would create small lots (~5,000 SF) that match in character, size, density, aesthetics, and price with the surrounding neighborhood. This assumes the construction of a public park on Pala Road right of way. This also assumes a Net Zero Energy and Carbon Neutral community. This is the path of least resistance to approval and is the highest and best use.

Product C:

3.6 DU's/AC SFD- Two Story 31 UNITS 2,600 SF AVE \$765,000 AVE PRICE

Residual Land Value: \$1,441,500

Notes: This product assumes using the base density on the site with 6,000 SF lots. Two story units that are out of character with the surrounding neighborhood and priced higher has caused neighborhood uproar in the past. The units are priced at the assumed market rate. Although this is the highest and best use, it is not enough units for us to face the opposition this product would create.

APPENDIX Q (Continued)



April 29, 2019

Please find our more detailed analysis attached herein. Although these are our internal assumptions on prices and costs, we fully understand the need for an appraisal of value. We would be happy to determine the value of the land by way of an appraisal.

In summary, Product A is a very difficult entitlement process which would attract too much opposition from the neighbors. Product C, although it yields a better land value, would not provide workforce housing and would also attract significant opposition because it doesn't fit the character of the surrounding neighborhood. However, Product B does fit the character, size, density and pricing of the surrounding neighborhood. Our proposal is based on the entitlement of Product B. I have revised our Letter of Intent to match the contents of the attached analysis.

Please let us know if you would like to discuss these assumptions further. These documents are intended for internal discussion only and are not intended to be a binding offer nor to be disseminated outside of the Real Estate Assets Department.

Sincerely,

Concordia Communities, LLC

Jeb Hall

Jeb Hall, Esq.

Principal

APPENDIX Q (Continued)

Product A Proforma - Attached Multifamily Units

C	D	E	F	G	H	I	J	K
CITY OF OCEANSIDE - 7 ACRES								
Pala Road								
ATTACHED MEDIUM DENSITY - GENERAL PLAN AMENDMENT REQUIRED								
PRODUCT A								
LAND USE ANALYSIS								
								PARKING
ITEM	AREA ACRES	AREA SF	DU PER NET ACRE	UNITS	# OF MODELS	Parking Garages		
Site Area	7.98	321,473	9.90	73	3	2		
Existing Zoning								
RDD net	-0.19	-8,934						
Slopes, open space, streets	6%	-0.37	-16,074					
Active Recreational Area	6%	-0.37	-16,074					
Net Developable area Residential	6.49	282,762	89%					
PRODUCT TYPE								
Product A	SFD Detached Homes							
			9.0	73	3	148		
TOTALS								
PROFORMA ANALYSIS								
						PRODUCT A		
						SINGLE FAMILY DETACHED		
INCOME						COVERAGE		
						26%		
Bedroom Bathroom Garage						4 Bdrm 3 Bath 3 car garage		
Floor Plan Average Area in SF						1,160		
# of units						73		
Total Building Area						84,821		
Sales Price Average						\$392,000		
Price per SF Average						\$341		
Premiums on 50% of units @						\$2,000 Per unit		
Model increase % increase over average unit sales price						0.0%		
Adjustable Units for Sale (1)						\$0		
Subtotal Revenue from Residential Sales						\$28,689,000		
Total Revenue from Residential Sales						\$28,689,000		
EXPENSES								
Targeted Profit on total sales as a %						12%		
Targeted Profit on total sales as a %						\$3,442,880		
OFFSITE CONSTRUCTION:								
Multi-Family Attached Units - Double Loaded Street - Flat Site						\$7,000		
Multi-Family Attached Units - Double Loaded Street - Flat Site						\$4,161,000		
FEES & PERMITS:								
Fees						\$45,000		
Fees						\$3,285,000		
Entitlement cost thru Final Map & Permits						\$675,000		
Entitlement cost thru Final Map & Permits						Interest		
Entitlement interest carry cost						Term of loan in months		
Entitlement interest carry cost						12%		
Entitlement interest carry cost						18		
Entitlement interest carry cost						\$157,500		
Additional Funding						\$0		
Additional Funding						\$0		
LANDSCAPE & AMENITIES:								
Landscape and amenities Product A						\$14,000		
Landscape and amenities Product A						\$1,032,000		
Additional Cost for Public Park						\$7,413		
Additional Cost for Public Park						\$570,349		
DIRECT CONSTRUCTION:								
Direct Costs for construction of units SFD						\$92		
Direct Costs for construction of units SFD						\$7,728,980		
Direct Costs for Fire Signatures on all Residential units						\$1,750		
Direct Costs for Fire Signatures on all Residential units						\$142,000		
Direct Costs for AC-Sound for windows all units						\$2,750		
Direct Costs for AC-Sound for windows all units						\$231,000		
Direct Costs for Net Zero Energy and Carbon Neutrality						\$8,000		
Direct Costs for Net Zero Energy and Carbon Neutrality						\$672,170		
INDIRECT COSTS:								
Indirects as a cost per SF of building Detached						\$15.00		
Indirects as a cost per SF of building Detached						\$1,260,300		
CONTINGENCIES:								
Contingencies as a cost per SF of building						\$5		
Contingencies as a cost per SF of building						\$420,107		
GENERAL & ADMINISTRATIVE GENERAL CONTRACTOR FEES:								
G & A as a % of sales						2%		
G & A as a % of sales						\$860,870		
Fee (General Contractor)						0%		
Fee (General Contractor)						\$0		
FINANCE COSTS:								
Financing as a % of sales						5.00%		
Financing as a % of sales						\$1,434,450		
SALES & MARKETING:								
Marketing as a % of sales						6.00%		
Marketing as a % of sales						\$1,721,340		
Additional Expense						\$0		
Additional Expense						\$0		
TOTAL EXPENSES						\$27,990,641		
RESIDUAL LAND VALUE ANALYSIS								
RESIDUAL LAND VALUE						\$688,350		
Land Value per Residential Unit						\$9,422		
Land Value per Residential Unit						\$6,567		
Fresh Unit Cost						\$139,710		
Fresh Unit Cost						\$2		
Land Value per SF of Raw Land						\$2.17		
Land Value per SF of Raw Land						\$2.17		

Product A Proforma - Attached Multifamily Units

1

4/30/2019

APPENDIX Q (Continued)

Product A Proforma - Attached Multifamily Units

C	D	E	F	G	H	I	J	K
CITY OF OCEANSIDE - 7 ACRES								
Pala Road								
ATTACHED MEDIUM DENSITY - GENERAL PLAN AMENDMENT REQUIRED								
PRODUCT A								
LAND USE ANALYSIS								
								PARKING
ITEM	AREA ACRES	AREA SF	DU PER NET ACRE	UNITS	# OF MODELS	Parking Garages		
Site Area	7.98	321,473	9.90	73	3	2		
Existing Zoning								
RDD net	-0.19	-8,934						
Slopes, open space, streets	6%	-0.37	-16,074					
Active Recreational Area	6%	-0.37	-16,074					
Net Developable area Residential	6.49	282,762	89%					
PRODUCT TYPE								
Product A	SFD Detached Homes			0.0	73	3	148	
TOTALS								
PROFORMA ANALYSIS								
						PRODUCT A		
						SINGLE FAMILY DETACHED		
INCOME						COVERAGE		
						26%		
Bedroom Bathroom Garage						4 Bdrm 3 Bath 3 car garage		
Floor Plan Average Area in SF						1,160		
# of units						73		
Total Building Area						84,021		
Sales Price Average						\$392,000		
Price per SF Average						\$341		
Premiums on 50% of units @ \$2,000 Per unit						\$73,000		
Model increase % increase over average unit sales price 0.0%						\$0		
Adjustable Units for Sale 1						\$0		
Subtotal Revenue from Residential Sales						\$28,689,000		
Total Revenue from Residential Sales						\$28,689,000		
EXPENSES								
Targeted Profit on total Sales as a % 12%						\$3,442,880		
OFFSITE CONSTRUCTION:								
Multi-Family Attached Units - Double Loaded Street - Flat Site \$57,000						\$4,161,000		
FEES & PERMITS:								
Fees \$45,000						\$3,285,000		
Entitlement cost thru Final Map & Permits \$675,000						\$875,000		
Entitlement interest carry cost 12% 18						\$157,500		
Additional Funding \$0						\$0		
LANDSCAPE & AMENITIES:								
Landscape and amenities Product A \$14,000						\$1,032,000		
Additional Cost for Public Park \$7,413						\$570,349		
DIRECT CONSTRUCTION:								
Direct Costs for construction of units SFD \$92						\$7,726,960		
Direct Costs for Fire Signboxes assume all Detached units \$1.75						\$127,257		
Direct Costs for AC-Sound for windows all units \$2.75						\$201,059		
Direct Costs for Net Zero Energy and Carbon Neutrality \$8.00						\$587,170		
INDIRECT COSTS:								
Indirects as a cost per SF of building Detached \$15.00						\$1,260,300		
CONTINGENCIES:								
Contingencies as a cost per SF of building \$5						\$420,107		
GENERAL & ADMINISTRATIVE GENERAL CONTRACTOR FEES:								
G & A as a % of sales 0%						\$860,870		
Fee (General Contractor) 0%						\$0		
FINANCE COSTS:								
Financing as a % of sales 5.00%						\$1,434,455		
SALES & MARKETING:								
Marketing as a % of sales 6.00%						\$1,721,340		
Additional Expense \$0						\$0		
TOTAL EXPENSES						\$37,990,641		
RESIDUAL LAND VALUE ANALYSIS								
RESIDUAL LAND VALUE						\$688,350		
Land Value per Residential Unit						\$9,422		
Fresh Unit Cost						\$139,710		
Land Value per SF of Raw Land						\$2.17		

Product A Proforma - Attached Multifamily Units

1

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APPENDIX Q (Continued)

Product C Proforma - Two Story SFD's

C	D	E	F	G	H	I	J	K
CITY OF OCEANSIDE - 7 ACRES								
Data Road								
TWO STORY SFD - MAXIMUM MARKET PRICE UNITS								
PRODUCT C								
LAND USE ANALYSIS								
								PARKING
ITEM	AREA ACRES	AREA SF	DU PER NET ACRES	UNITS	# OF MODELS	Parking Garages		
Site Area	7.38	321,473	4.20	31	3	2		
Existing General Plan								
Existing Zoning								
ROW net	-0.15	-6,534						
Streets, Open Space, Streets	0%	-0.37	-16,074					
Active Recreational Area	0%	-0.37	-16,074					
Net Developable Area Residential	6.42	282,762	58%					
PRODUCT TYPE								
Product A	SFD Detached Homes			3.6	31	3	62	
TOTALS								
PROFORMA ANALYSIS								
							PRODUCT C	
							SINGLE FAMILY DETACHED	
INCOME							COVERAGE	
							25%	
Residential Bedroom Garage							4 Bed+3 Bath 3 car garage	
Floor Plan Average Area in SF							2,600	
# of Units							31	
Total Building Area							80,400	
Sales Price Average							\$755,000	
Price per SF Average							\$290	
Premium on 50% of units @							\$10,000 Per unit	
Model increase % increase over average unit sales price							0.0%	
Affordable Units for Sale							\$0	
Subtotal Revenue from Residential Sales							\$23,837,500	
Total Revenue from Residential Sales							\$23,837,500	
EXPENSES								
Targeted Profit on total Sales as a %							12%	
OFFSITE CONSTRUCTION							\$2,616,500	
SFD - Double Lot/nd - Flat Site							\$3,410,000	
FEES & PERMITS:								
Fees							\$2,018,000	
Entitlement cost thru Final Map & Permits							\$750,000	
Entitlement interest carry cost							\$135,000	
Additional Funding							\$0	
LANDSCAPE & AMENITIES:								
Landscape and amenities Product C							\$1,027,000	
Additional Funding for the Public Park							\$511,500	
DIRECT CONSTRUCTION:								
Direct Costs for construction of units SFD							\$6,609,200	
Direct Costs for Fire Sprinklers assume all Residential units							\$0	
Direct Costs for AC/Sound for windows all units							\$0	
INDIRECT COSTS:								
Indirects at a cost per SF of building Detached							\$1,206,000	
CONTINGENCIES:								
Contingencies at a cost per SF of building							\$403,000	
GENERAL & ADMINISTRATIVE GENERAL CONTRACTOR FEES:								
G & A as a % of sales							\$700,120	
Fee (General Contractor)							\$0	
FINANCE COSTS:								
Financing as a % of sales							\$1,181,875	
SALES & MARKETING:								
Marketing as a % of sales							\$1,418,250	
Additional Expenses							\$0	
TOTAL EXPENSES							\$22,195,950	
RESIDUAL LAND VALUE ANALYSIS								
RESIDUAL LAND VALUE							\$1,441,550	
Land Value per Residential Unit							\$46,200	
Finish Unit Cost							\$182,550	
Land value per SF of Raw Land							\$4.48	

Product C Proforma - Two Story SFD's

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4/30/2019

APPENDIX Q (Continued)

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APPENDIX Q
Volume II
Responses to Comment Letters

Prepared by:

DUDEK

605 Third Street
Encinitas, California 92024
Contact: Brian Grover

NOVEMBER 2021

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APPENDIX Q (Continued)

A1 U.S. FISH AND WILDLIFE SERVICE (USFW)

November 16, 2021

- A1-1** This comment is introductory in nature and specific comments follow. The commenter expresses appreciation for the opportunity to provide comments and recommendations on the Draft EIR and associated documents. This comment does not raise specific issues on the content of the Draft EIR, and no further response is necessary.
- A1-2** This introductory comment summarizes the primary concerns and responsibilities of the USFW Service. This comment does not raise specific issues on the content of the Draft EIR, and no further response is necessary.
- A1-3** This comment provides a summary of the project description outlined in Chapter 3 of the EIR. This comment does not raise specific issues on the content of the Draft EIR, and no further response is necessary.
- A1-4** This comment states that USFW Service’s primary concern of the project is proposed impacts to the preserve/WCPZ, and prefaces comments to follow. This comment does not raise specific issues on the content of the Draft EIR, and no further response is necessary. Please refer to response to comments A1-5 through A1-12 below.
- A1-5** The comment states that none of the alternatives analyzed in the Draft EIR would avoid project impacts to the preserve/WCPZ, and therefore the Service recommends that an alternative be included in the Final EIR that avoids all impacts to the preserve/WCPZ. The comment concludes that if such an alternative is determined to be infeasible, then the comment below would apply (comment A1-6). In response, as outlined in the Draft EIR Chapter 4, *Alternatives*, the “Reduced Footprint Alternative” was considered but rejected. The Reduced Footprint Alternative avoids the on-site Preserve/WCPZ (0.9 acre) located in the northwestern corner of the site plan and would increase the proposed 100-foot biological buffer distance by an additional 75-100 feet between the riparian habitat and the development; however, it would still include the existing levee/trail, result in the same biological, cultural, and geological impacts as the proposed project, and may conflict with at least one of the project objectives. The Reduced Footprint Alternative and the proposed project both include a 6-foot masonry wall at the development perimeter in the northwestern corner as well as other design features to protect the adjacent Preserve/WCPZ from potential project indirect impacts including human disturbance. Please refer to revised Figure 4 in the Biological Impact

APPENDIX Q (Continued)

Report (Appendix C to the EIR), and revised Figure 4.3-3 of the EIR, which now includes the WCPZ boundary for clarification on where the impacts are inside/outside of the Preserve/WCPZ.

As outlined in the EIR, 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 additional distance from the Preserve/WCPZ. While this alternative could potentially reduce off-site impacts to adjacent sensitive habitat, the northwestern area of the project property (albeit a smaller area) would remain undeveloped under the proposed project, and as such, this alternative would result in similar impacts to on-site biological resources. Therefore, this alternative would result in similar biological resource impacts compared to the proposed project. Additionally, the Reduced Footprint Alternative was deemed infeasible as it would impede the requested density bonus, because of the reduced acreage, which would impact the amount of available affordable housing on-site.

The Draft EIR did bring forward for consideration the No Project (No Build) Alternative, which would avoid all potential impacts to biological resources; however, it would not meet any project objectives. Therefore, the Draft EIR did consider alternatives that would reduce potential impacts to biological resources. Please refer to response to comment A1-6 for additional information on potential impacts to the preserve/WCPZ. This comment does not raise any other substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- A1-6** This comment states that the “DEIR does not include a discussion of how the proposed impacts to 0.9 acre of the Preserve/WCPZ will mitigated”. In response, the project proposes 3.5 acres of habitat enhancement to address the proposed 0.9-acre Preserve/WCPZ encroachment; it is not compensatory non-native grassland habitat mitigation (this is addressed in Section 4.3 of the Draft EIR under mitigation measure MM-BIO-1). The Draft EIR in Section 4.3.3 on pages 4.3-22 – 4.3-23 includes a brief description of the proposed habitat enhancement to address the proposed encroachment into the Preserve/WCPZ along with Figure 4.3-4 (*Proposed Habitat Enhancement*) on page 4.3-33. In addition, the San Luis Rey River Buffer Habitat Enhancement Proposal, prepared by Merkel & Associates, Inc. on April 5, 2021 is included as Appendix 5 of

APPENDIX Q (Continued)

the Biological Impact Report (Appendix C to the Draft EIR). The project proposes low-intensity coastal sage scrub habitat enhancement within 3.5 acres directly adjacent to the project site (within the Preserve/WCPZ and/or City open space on City-owned land) that would include 0.9-acre area equal to the proposed 0.9 acre of encroachment into the Preserve/WCPZ, as described in the project Enhancement Proposal. For ease of reference, the Enhancement Proposal is now included as Appendix Q to the Final EIR. This change is reflected in the Table of Contents of the Final EIR, shown in underline. Further discussion of how the proposed habitat enhancement would address the proposed encroachment impacts into the Preserve/WCPZ has been included in the Final EIR Biological Resources Section 4.3. Revisions are shown in ~~strikeout~~/underline in Section 4.3 of the Final EIR, and are outlined below:

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

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

APPENDIX Q (Continued)

within the Preserve/WCPZ and/or City owned open space. The 0.9 acre of low-intensity CSS enhancement necessary to account for the 0.9 acre of encroachment (1:1 exchange ratio) is included in the 3.5 acres of proposed habitat enhancement.

A1-7 This comment refers to the details of the Enhancement Proposal as a “mitigation approach”; however, to clarify, the intent of the Enhancement Proposal is to propose an equal or superior Preserve/WCPZ option in exchange for the proposed encroachment which could be considered mitigation but should not be mistaken for compensatory mitigation for any significant habitat impacts (i.e., non-native grassland). This Enhancement Proposal was prepared at the request of the Wildlife Agencies in March 2021 in support of continued coordination regarding the proposed project encroachment into the on-site Preserve/WCPZ. To account for the proposed 0.9 acre of Preserve/WCPZ encroachment that supports 0.2-acre disturbed habitat and 0.7-acre non-native grassland, the project proposes 3.5 acres of low-intensity coastal sage scrub enhancement on City of Oceanside land directly adjacent and northeast of the project site and located outside but contiguous with the Preserve/WCPZ within the SLR River buffer.

Please note that the referenced “BLR” does not include “Restoration” in its title but rather it is titled “Concordia Homes-Cypress Point Project–San Luis Rey River Buffer Habitat Enhancement Proposal” now included as Appendix Q to the Final EIR for ease of reference (previously included as Appendix 5 to the Biological Impact Report, Appendix C to the Draft EIR. Further, this comment erroneously states that the BLR proposes low intensity coastal sage scrub *restoration*; however, the project proposes enhancement. Please refer to response to comment A1-6 for additional information and revisions made to Section 4.3 Biological Resources of the Final EIR, to address how the proposed habitat enhancement would address the proposed encroachment impacts into the Preserve/WCPZ.

A1-8 This comment states that the Service concurs with the mitigation proposed in the BLR, however it is recommended that a higher intensity CSS restoration be done that may support gnatcatcher breeding, especially in the proposed 3.5-acre area. The recommendation for higher intensity coastal sage scrub restoration is not justified since the proposed project site and adjacent lands do not support coastal sage scrub, breeding coastal California gnatcatcher (*Polioptila californica*), and is not a priority restoration site identified in Section 3.2.4 of the City’s draft Subarea Plan. The proposed low-intensity coastal sage scrub enhancement is based on existing site constraints (e.g.,

APPENDIX Q (Continued)

existing underground utility lines) and conditions (i.e., disturbed habitat, non-native grassland), as well as the overall goal to enhance the SLR River buffer, not to provide compensatory habitat mitigation or support breeding gnatcatcher. Low-intensity coastal sage scrub enhancement is defined in Section 7.2.3 of the draft Subarea Plan as an appropriate restoration goal within the WCPZ to “improve wintering foraging habitat or dispersal habitat for gnatcatchers in areas not expected to support breeding gnatcatchers (e.g., narrow, linear strips). The narrow and linear project site is not expected to support breeding gnatcatchers and thus would qualify for low-intensity enhancement in this context. Further, this comment is recommending that the proposed habitat enhancement areas be managed as part of the City’s Preserve with conservation easements recorded over them to be consistent with Section 3.2.4 (*Habitat Restoration Priorities within the Regional Corridor*) in the draft Subarea Plan. The proposed habitat enhancement 3.5-acre area is located on City-owned open space lands and all but 0.9 acre are currently already protected and managed within the City’s Preserve/WCPZ along the SLR River. The proposed 0.9-acre enhancement area is located within the same City owned parcel zoned in the General Plan as open space and would also be protected in perpetuity. Further, the proposed habitat enhancement is not compensatory mitigation and thus a conservation easement is not required.

- A1-9** This comment recommends revisions to mitigation measure MM-BIO-1 regarding habitat mitigation based on the draft Subarea Plan Section 5.3.1.1 (Wildlife Corridor Planning Zone, Compensatory Mitigation Standards). In particular, this comment includes the following language: “conservation of 3.5 acres of non-native grassland within the WCPZ”. In response, the Compensatory Mitigation Standards only require compensatory mitigation within the WCPZ for impacts that are located within the WCPZ. The majority of the project site (7.3 acres total) is located outside of the WCPZ; the only proposed project impacts to the WCPZ is limited to 0.9 acre. Further, in the draft Subarea Plan Section 4.3.1.1 (Wildlife Corridor Planning Zone) it states that “mitigation for impacts within the zone and north of SR-76 are encouraged to be placed within the zone...”; not necessarily required since the main focus of conservation within the WCPZ are those areas south of SR-76 according to this same Section 4.3.1.1. In addition, based on coordination between the project applicant and the City, there are no available mitigation banks or appropriate mitigation sites within the WCPZ. The compensatory mitigation will likely occur through purchase of credits in a mitigation bank as locally as possible. Finally, mitigation opportunities on City-owned lands are reserved for City projects as stated in Section 5.1.1 of the Subarea Plan [Other City-owned Mitigation Areas (Proposed)]. Therefore, the proposed project habitat

APPENDIX Q (Continued)

compensatory mitigation provided in the Draft EIR, mitigation measure MM-BIO-1, and particularly the following text is appropriate: “conservation of 3.5 acres of non-native grassland...within an approved habitat mitigation bank located within the City of Oceanside (or comparable as approved by the City and Wildlife Agencies)”.

A1-10 This comment recommends including the project design features outlined in Section 4.3 Biological Resources of the Draft EIR as mitigation measures to minimize impacts to the Preserve/WCPZ. The proposed design features outlined in Section 4.3.4 of the Draft EIR include:

- Placement of 6-foot-high masonry walls at the top of slope along the project perimeter in the northwest corner to minimize potential lighting and noise impacts and avoid human access to the SLR River buffer;
- Planting, maintenance, and monitoring of several western sycamore trees along the northern and western project property boundaries (outside and setback from the existing SLR River levee and sewer mains in proximity) to minimize potential lighting and noise impacts; placement of 6-foot-high fencing along remainder of proposed project northern and western boundaries to avoid or minimize human access to the SLR River buffer;
- No streetlights are required throughout the interior project streets and therefore none are proposed (one exception along Pala Road where one streetlight is proposed for safety reasons);
- Proposed lighting on homes would be directed downward and shielded to avoid light spill into the adjacent Preserve/WCPZ. Further, proposed lighting on homes would use the lowest intensity lighting appropriate for the task and use lights with little to no blue wavelengths and warmer color temperatures (e.g., low-pressure sodium lights) where feasible.
- The project Concept Landscape Plan prepared by McCullough dated March 23, 2021 (Figure 3-2) includes a proposed plant palette that does not include invasive non-native plant species on the California Exotic Pest Plant Council List of Exotic Pest Plants of Greatest Ecological Concern in California and the Subarea Plan that could spread into the adjacent Preserve. Due to the project size and proximity to the Preserve (within 500 feet), all proposed project landscaping consists of native plant species appropriate for the project area and consistent with Subarea Plan. Further, the Landscape Plan includes an irrigation plan that demonstrates how the

APPENDIX Q (Continued)

proposed project irrigation shall be contained to the project development and shall not drain or overspray resulting in potential spread of invasive plant species, erosion, and/or non-native species such as Argentine ants.

Because these design features are shown on the site plan for the proposed project (Figure 3-1 of the EIR), and therefore would be incorporated into the project design, they would not be appropriate to include as mitigation measures in the Final EIR. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- A1-11** This comment states that the project site was sold as surplus land by the City to the applicant, and the Service requests a meeting to discuss what other surplus properties the City may sell that benefit the preserve/WCPZ and options for purchasing/preserving them. In response, this comment does not raise a substantive issue on the content of the Draft EIR, and the request is outside the scope of the proposed project. Coordination between the Service and the City would be required outside of this project.
- A1-12** This is a conclusion statement thanking the City for the opportunity to comment on the Draft EIR and providing contact information should there be any questions. This comment does not raise specific issues on the content of the Draft EIR, and no further response is necessary.

APPENDIX Q (Continued)

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APPENDIX Q (Continued)

A2 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW)

November 19, 2021

- A2-1** This comment is introductory in nature and expresses appreciation for the opportunity to provide comments and recommendations on the proposed project that may affect California fish and wildlife. This comment does not raise specific issues on the content of the Draft EIR, and no further response is necessary.
- A2-2** This comment outlines CDFW’s role as California’s Trustee Agency for fish and wildlife resources and acting Responsible Agency under CEQA. This comment does not raise specific issues on the content of the Draft EIR, and no further response is necessary.
- A2-3** This comment summarizes the project description outlined in Chapter 3 of the EIR. This comment does not raise specific issues on the content of the Draft EIR, and no further response is necessary.
- A2-4** This comment prefaces comments to follow. This comment does not raise specific issues on the content of the Draft EIR, and no further response is necessary.
- A2-5** This comment is regarding the WCPZ and the proposed coastal sage scrub (CSS) enhancement. This comment says that it is not clear within the DEIR if the 3.5 acres of habitat enhancement is “separate from or includes the 0.9-acre mitigation for impacts to the WCPZ”. The proposed 3.5 acres of low-intensity CSS enhancement on the adjacent City owned parcels *includes* the 0.9 acre of low-intensity CSS enhancement as provided in the Concordia Homes-Cypress Point Project–San Luis Rey River Buffer Habitat Enhancement Proposal, dated April 5, 2021 and prepared by Merkel & Associates, Inc. included as Appendix 5 of the Biological Impact Report (DEIR Appendix C). The intent of the Enhancement Proposal is to propose an equal or superior Preserve/WCPZ option in exchange for the proposed encroachment which could be considered mitigation but should not be mistaken for compensatory mitigation for any significant habitat impacts (i.e., non-native grassland). The project proposes 3.5 acres of habitat enhancement to address the proposed 0.9-acre Preserve/WCPZ encroachment; it is not the proposed off-site compensatory non-native grassland habitat mitigation that is coincidentally also 3.5 acres (this is addressed under Draft EIR mitigation measure MM-BIO-1). This distinction is clarified in Chapter 4.3 the FEIR, and is outlined in Response to Comment A1-6.

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A2-6 This comment states the following: “Issue: We are concerned that the low-intensity enhancement effort will not be sufficient to restore the area according to the draft SAP conservation goals. Rather, high-intensity restoration of these areas would be consistent with the conservation goals provided in the draft SAP to create suitable habitat for the coastal California gnatcatcher within the WCPZ.”

The proposed low-intensity coastal sage scrub enhancement is based on existing site constraints (e.g., existing underground utility lines) and conditions (i.e., disturbed habitat, non-native grassland), lack of suitable breeding gnatcatcher habitat in the project vicinity, as well as the overall goal to enhance the SLR River buffer, not to provide compensatory habitat mitigation or support breeding gnatcatcher. This is consistent with Subarea Plan Section 7.2.3 (*Habitat Restoration*) that states the following: “Depending on existing site conditions and restoration goals, restoration to achieve the standards may range from high-intensity restoration to low-intensity enhancement...” Low-intensity coastal sage scrub enhancement is defined in Section 7.2.3 as an appropriate restoration goal within the WCPZ to “improve wintering foraging habitat or dispersal habitat for gnatcatchers in areas not expected to support breeding gnatcatchers (e.g., narrow, linear strips). The narrow and linear project site is not expected to support breeding gnatcatchers and thus would qualify for low-intensity coastal sage scrub enhancement in this context.

A2-7 This comment provides two recommended potentially feasible mitigation measures and one recommendation. The comment recommends in “Mitigation Measure #1” that a high-intensity coastal sage scrub restoration plan be prepared by a qualified restoration biologist. The Draft EIR includes the requirement to prepare a project habitat enhancement plan prepared by qualified restoration biologist, as stated in the Enhancement Proposal, and as follows: "A proposed CSS low-intensity enhancement plan would be prepared by a qualified restoration biologist that is consistent with the guidelines in the MHCP Section 6 as well as the City’s Subarea Plan Section 5.3.1 WCPZ and Section 7.2.3 Habitat Restoration, or as approved by the City and Wildlife Agencies." This requirement will be clarified and made more apparent in the FEIR. In addition, this comment recommends a high-intensity coastal sage scrub restoration effort that should result in habitat supporting breeding gnatcatcher. As provided in Response A2-6 above, the project does not warrant the need to propose high intensity CSS restoration of habitat that would potentially support breeding gnatcatcher but rather proposes low-intensity coastal sage scrub enhancement.

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This comment also includes the following: “Mitigation Measure #2: To be consistent with Section 3.2.4 of the draft SAP, the restoration areas should be managed as part of the City’s Preserve with conservation easements recorded over them.” The project does not propose a conservation easement over the proposed 3.5 acres of enhancement areas since the majority of this enhancement area is already within the Preserve. Only 0.9 acre out of 3.5 acres of proposed habitat enhancement is outside the Preserve but is located within City owned open space land that will be protected in perpetuity. Additionally, the 0.9 acres of proposed encroachment that would impact the Preserve/WCPZ consists mostly of the levee, the bike path and a concrete brow ditch. Further, as discussed above in Response A2-5, the proposed 3.5 acres of low-intensity coastal sage scrub enhancement is not compensatory habitat mitigation that requires a conservation easement.

Further, this comment includes the following: “Recommendation #1: The final EIR should include a specific acreage breakdown of impacts from the Project outside of the WCPZ, which are mitigated at 0.5:1 and impacts within the WCPZ, which are mitigated at 1:1. The City should verify that the proposed mitigation acreage adequately reflects the proposed Project impacts.” Section 4.3 of the Final EIR includes a specific acreage breakdown and associated figure to clarify the proposed impacts inside and outside the WCPZ, also shown in the revised table below (revisions are shown in ~~strikeout~~/underline):

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

Vegetation Type	MHCP Wetland/Upland Habitat Group	Total Biological Study Area (acres)	Proposed Direct Permanent Impacts (acres)					City of Oceanside Mitigation Ratio	Proposed Mitigation (acres)
			On-site Property Parcel	Off site	Total				
					Inside WCPZ ¹	Outside WCPZ	Grand Total		
Southern Willow Scrub	Wetland, Habitat Group A	0.1	0.0	0.0	0.0	<u>0.0</u>	<u>0.0</u>	3:1	0.0
Non-native Grassland	Upland, Habitat Group E	7.9	6.3	0.7	<u>0.7</u> ²	<u>6.3</u>	<u>7.0</u>	0.5:1 ⁴	3.5
Disturbed Habitat	Upland, Habitat Group F	1.3	0.5	0.2	<u>0.3</u> ²	<u>0.4</u>	<u>0.7</u>	None ³	0.0
Urban/Developed Land	Upland, Habitat Group F	1.3	0.0	0.2	<u>0.0</u>	<u>0.2</u>	<u>0.2</u>	None	0.0

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

Vegetation Type	MHCP Wetland/ Upland Habitat Group	Total Biological Study Area (acres)	Proposed Direct Permanent Impacts (acres)					City of Oceanside Mitigation Ratio	Proposed Mitigation (acres)
			On-site Property Parcel	Off site	Total				
					Inside WCPZ ¹	Outside WCPZ	Grand Total		
Total:		10.3	6.8	1.1	0.10	6.9	7.9	3.5	

- ¹ Impacts within the City's WCPZ should be avoided as much as possible and minimize any unavoidable impacts. Upland habitat that is conserved and managed on site in this zone may be used to satisfy in-kind mitigation obligations associated with impacts to upland habitats located on site.
- ² Impacts inside WCPZ to non-native grassland (0.7 acre) is entirely on site; impacts to disturbed habitat inside WCPZ consists of 0.2 acre on site and 0.1-acre off site stormwater outfall work.
- ³ May be subject to Habitat Development Fee.

In addition, it is unclear where the different mitigation ratios referenced in this comment originate. The only mitigation ratios in the Subarea Plan are provided in Section 5, Table 5-2 and are based on location of impacts to habitat types within WCPZ, PAMA, Coastal Zone, Off-site Mitigation Zone, and/or Agricultural Zones. The project impact areas located outside of the WCPZ are within the Off-site Mitigation Zone which has the same mitigation ratio (0.5:1) as WCPZ.

A2-8 This comment includes the following: “CDFW responded to the NOP for this Project and requested that the DEIR include a discussion of any fuel modification requirements to allow CDFW to assess potential impacts to biological resources.” Further, this comment states that the “DEIR did not include such discussion; thus, we cannot adequately assess potential impacts to the biological resources adjacent to the Project site.” The project has been reviewed by City Fire, and does not propose any fuel modification activities within the adjacent Preserve including the 100-foot biological buffer. The project would ensure avoidance through the inclusion of 6-foot masonry walls and fencing along the Preserve boundary. As stated in the Draft EIR Biological Resources Section 4.3 (page 4.3-20), “The project proposes to avoid the northwestern corner of the project property to accommodate the encroachment of the Preserve/WCPZ within the 100-foot riparian habitat buffer that also includes the existing flood levee/trail and brow ditch in this area. The project also proposes appropriate retaining walls and fencing along this boundary to restrict human access into the corridor and to ensure that project fuel management requirements would not directly impact the adjacent wildlife corridor”. It should be noted that the project is not

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- contiguous with the proposed 100' foot biological buffer, except for the northwest corner of the project property. Aside from this corner, the western and northern boundaries of the project are contiguous with portions of the City-owned property that are located further outside of the 100' buffer.
- A2-9** This comment refers to the Subarea Plan Section 5 where it states that fuel modification activities shall not occur within the 100-foot biological buffer. This comment further states that there is no specific language within the Draft EIR indicating what fuel modification activities may occur as a part of the project and without this clarification the project fuel modification activities have the potential to occur within the adjacent sensitive biological area. In response, please refer to response to comment A2-8.
- A2-10** This comment includes two recommendations regarding fuel modification. The first recommendation requests the clarification of any applicable project fuel modification impacts and mitigation. In response, please refer to response to comment A2-8.
- The second recommendation recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction and/or persistence of invasive Argentine ants. In response, the project Landscape Plan Map is included as Figure 3-2 in Chapter 3 of the Draft EIR. An irrigation plan has also been designed to avoid potential impacts to adjacent sensitive habitat including drainage and the invasion of Argentine ants.
- A2-11** This comment includes the following: “Issue: The DEIR states that the Project will restore 3.5 acres of nonnative grassland to CSS within the City’s Hardline Preserve as part of their mitigation requirements. To be consistent with the draft SAP, the Project should also include restoration of the 100-foot biological buffer and incorporate the buffer into the City’s Preserve. The Draft EIR does not address how these areas will be conserved and maintained.” As provided in Response A2-5, the project proposes 3.5 acres of habitat enhancement (not restoration) on adjacent City owned open space land to address the proposed 0.9-acre Preserve/WCPZ encroachment. This enhancement is not the proposed off-site compensatory mitigation for non-native grassland significant impacts that coincidentally also totals 3.5 acres. In addition, as provided in A2-7, the project does not propose a conservation easement over the proposed 3.5 acres of enhancement areas since the majority of this enhancement area is already within the Preserve. Only 0.9 acre is outside the Preserve but is located within City owned open

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- space land that will be protected in perpetuity. Lastly, the on-site portion of the 100-foot biological buffer consists of the SLR levee and adjacent brow ditch with underground utilities in the immediate surroundings that would prohibit habitat restoration activities such as grading, plantings, and irrigation.
- A2-12** This comment provides two recommended potentially feasible mitigation measures. These two recommended measures suggest that the Final EIR should specify that the 100-foot biological buffer adjacent to the project site will be restored, managed as part of the Preserve with a conservation easement recorded, have a HMP prepared and adopted, and identify a reliable funding source prior to construction. As provided in Responses A2-5, A2-7, and A2-11 above, the proposed 3.5 acres of habitat enhancement is not compensatory habitat mitigation requiring a conservation easement, HMP, and/or reliable funding source. Further, the biological buffer and the proposed enhancement areas are currently located within the Preserve and/or City owned open space lands that will be protected in perpetuity. It should be noted that the project is not contiguous with the 100' foot biological buffer, except for the northwest corner of the project property. Aside from this corner, the western and northern boundaries of the project are contiguous with portions of the City-owned property that are located further outside of the 100' buffer. Lastly, the on-site portion of the 100-foot biological buffer consists of the existing SLR levee/bike trail and adjacent brow ditch with underground utilities in the immediate surroundings that would prohibit habitat restoration activities such as grading, plantings, and irrigation. Therefore, the recommended mitigation measure is infeasible.
- A2-13** This comment suggests there are no project provisions for reducing edge effects along the SLR and Preserve boundaries. The Draft EIR (Section 4.3.4, pages 4.3-16 through 4.3-18 and Appendix C, Enhancement Proposal) includes project design features specific to the avoidance and minimization of potential significant indirect impacts (edge effects) to the adjacent sensitive habitat areas within the SLR River and include the following: construction avoidance of breeding season, 6-foot masonry walls, no interior street lighting, down shielding of home lighting, sycamore plantings, and the project Landscape Plan (Figure 3-2 of the EIR) that includes a native species plant palette and irrigation plan that ensures no drainage or erosion into adjacent sensitive areas.
- A2-14** This comment provides two recommended potentially feasible mitigation measures and one recommendation regarding signage, fencing, lighting, and HOA awareness program, respectively. The Draft EIR currently includes fencing and lighting related

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- project design features that would address this comments concern. The Final EIR will also include signage along the open space boundaries. This comment requests that the HOA include a homeowner awareness program regarding the adjacent sensitive resources. In response, the applicant agrees to be subject to a Condition of Approval requiring the HOA's CC&Rs to include such an awareness program.
- A2-15** This comment regarding the potential for a project Lake and Streambed Alteration Agreement strongly encourages Concordia Homes to consider submittal of a streambed notification package given that the project includes the replacement of a stormwater pipeline and outfall. The Draft EIR includes an assessment of potentially jurisdictional wetland resources on-site and demonstrates how the project proposes to avoid impacts to jurisdictional resources, except for a limited area for the proposed outfall that occurs along an existing jurisdictional streambank. Due to the proposed impact to this area of the streambank, the project applicant will submit a streambed notification package to the CDFW Lake and Streambed Alteration Program.
- A2-16** This comment outlines problems associated with native biodiversity loss because of invasive plants. The comment outlines specific plants that should not be introduced to the landscape and provides a website link for additional information on invasive, non-native, and landscaping plants. In response, the project would be consistent with the landscaping requirements of the Subarea Plan. The project Landscape Plan shown in Figure 3-2 of the Draft EIR consists entirely of native plant species due to the project site's location within 500 feet of the adjacent Preserve and prohibits invasive plant species including those listed in this comment. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- A2-17** This comment requests reporting of any special status species and natural communities detected during project surveys to the California Natural Diversity Database and provides the associated link. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- A2-18** This comment outlines payment of associated filing fees. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

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- A2-19** This comment concludes the letter, expressing appreciation for the opportunity to comment on the Draft EIR, provides CDFW contact information, and references cited. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- A2-20** This comment outlines CDFW's proposed recommendations for the project's Mitigation, Monitoring, and Reporting Plan (MMRP). In response, please refer to response to comments A2-5 through A2-15 above. Any revisions made to the EIR because of comments received, or for clarification purposes, have been documented in the Final EIR in ~~strikeout~~/underline, and have been outlined above in response to this comment letter A2, and in response to comment letter A1. The comment has been noted for the record.

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A3 CITY OF OCEANSIDE PUBLIC WORKS DEPARTMENT

October 21, 2021

- A3-1** This comment summarizes the City of Oceanside Public Works Department's review of the Local Transportation Assessment (LTA) prepared for the project in August 2021. However, the August 2021 LTA is not the most recent version of the LTA, and the comment requests that the most recent October 2021 LTA be appended to the Final EIR. Additionally, the comment confirms that the LTA dated October 2021 is approved, and City Traffic Engineering/Transportation Department have no further comments. In response, the City approved LTA dated October 2021 has been included as Appendix N to the Final EIR. This comment does not raise any other specific issues on the content of the Draft EIR, and no further response is necessary.

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O1 BUENA VISTA AUDUBON SOCIETY

November 18, 2021

- O1-1** The commenter introduces themselves on behalf of the Buena Vista Audubon Society, and summarizes concerns related to the project including, impacts on biological resources as it is located adjacent to the San Luis Rey River, as well as the project's location near the Buena Vista Audubon Society Andy Mauro Nature Preserve, the Whalen Lake Bird Sanctuary, and the Army Corps Wetlands mitigation site. In response, this comment does not raise specific issues on the content of the Draft EIR. Please refer to the following response to comments O1-2 through O1-5 below.
- O1-2** This comment states that the EIR proposes to mitigate direct impacts to 3.5 acres of non-native grassland with off-site purchase or restoration of coastal sage scrub within the WCPZ, which would help to create a protected steppingstones corridor within the City for the federally threatened California Gnatcatcher. In response, this statement is only partially accurate. The project Draft EIR proposes purchase of mitigation credits (3.5 acres of non-native grassland) at an off-site mitigation bank within the City of Oceanside or comparable; however, it does not propose mitigation through restoration of coastal sage scrub or within the WCPZ. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- O1-3** This comment states that the northwest portion of the project site impinges on 0.9 acres of Hardline Preserve identified in the Draft Oceanside Subarea Plan for the Multiple Habitat Conservation Plan. The comment states that development would create a pinch point in the corridor between the development and the adjacent levee, the project would result in indirect impacts to wildlife habitat from associated lighting, noise, litter, and domestic pet incursions. Further, this comment states that the new housing would block wildlife movement along the river corridor since the steep-sided levee is dominated by a well-used bicycle/pedestrian trail and is inadequate to function as the required 100-foot biological buffer. In response, the existing levee /trail is located within 100 feet of the riparian habitat edge and as such is included within the 100-foot biological buffer to the San Luis Rey River (SLR). The existing levee is a conditional/compatible use within the Preserve/WCPZ that was previously approved by the City and Wildlife Agencies and not a part of the proposed project. Finally, this comment states that "The EIR proposal to offset the 0.9-acre reduction of the Hardline Preserve, by preserving 0.9 acres east of the project site, does not resolve this loss of an adequate wildlife

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buffer.” This statement is inaccurate. The project Draft EIR proposes 3.5 acres of coastal sage scrub habitat enhancement within the project area SLR buffer (beyond the 100-ft biological buffer where disturbed habitat and non-native grassland occurs) to address the 0.9-acre Preserve/WCPZ encroachment, as well as project design features such as 6-foot masonry walls, sycamore tree plantings, limitations and shielding of night lighting, and the preparation of a Landscape Plan to minimize potential indirect impacts such as night lighting, noise, invasive species, erosion, and human disturbance into the adjacent Preserve/WCPZ. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- O1-4** This comment supports the Reduced Footprint Alternative in the Draft EIR and suggests that it is the environmentally superior alternative, as it would eliminate development in the Hardline Preserve and retain the open space corridor that provides buffer for riparian wildlife from the proposed development. In response, the Reduced Footprint Alternative outlined in Chapter 4 of the Draft EIR would increase the 100-foot biological buffer distance by an additional 75-100 feet between the riparian habitat and the development; however, this alternative was ultimately considered but rejected as it does avoid the on-site Preserve/WCPZ and it would still include the existing levee /trail, conflict with the project objectives, and result in the same biological, cultural, and geological impacts as the proposed project. Related to the commenters concerns regarding the 3.5-acre off-site mitigation for the loss of non-native grassland, the proposed off-site compensatory mitigation for the loss of non-native grassland was generally described in mitigation measure MM-BIO-1 (mitigation bank in the City of Oceanside or comparable) outlined in Section 4.3 Biological Resources of the Draft EIR. The specific off-site mitigation bank location will be determined through continued coordination with the City and Wildlife Agencies and provided in the Final EIR if it is determined at the time of Final EIR preparation. Finally, this comment recommends that the sycamore trees proposed to be planted within the adjacent City owned properties should have a provision for long-term maintenance. The plantings of sycamore trees are not proposed compensatory mitigation that typically require long-term maintenance and management but rather is a part of the project Enhancement Plan to address the 0.9-acre encroachment into the Preserve/WCPZ as well as to minimize potential indirect impacts such as night lighting and noise. The San Luis Rey River Buffer Habitat Enhancement Proposal prepared by Merkel & Associates for the proposed project on April 5, 2021 was included as Appendix 5 of the Biological Impact Report prepared for the proposed project (Appendix C to the Draft EIR). For ease of reference, the San Luis Rey River Buffer Habitat Enhancement Proposal is now included

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as Appendix Q to the Final EIR. This change is reflected in the Table of Contents of the Final EIR, shown in underline. The San Luis Rey River Buffer Habitat Enhancement Proposal was prepared to be consistent with applicable Subarea Plan guidelines particularly those under Section 7.2.3 (*Habitat Restoration*) of the Proposal, that supports the proposed 3 years of maintenance. Further, the project proposes a substantially longer maintenance term than the standard provided for low-intensity enhancement (i.e., little to no maintenance) under Section 7.2.3 in the Proposal. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- O1-5** This comment is a conclusion statement, and the commenter expresses appreciation for considering their views. This comment does not otherwise raise a substantive issue on the content of the Draft EIR, and no revisions to the Draft EIR are necessary.

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O2 PRESERVE CALAVERA

November 19, 2021

O2-1 This is an introductory comment outlining the mission of Preserve Calavera. The comment prefaces comments to follow and states that the project has clearly considered its location next to the San Luis Rey River, however additional analysis and mitigation is required to fully address potential impacts associated with biological resources and GHG. In response, this comment does not raise specific issues on the content of the Draft EIR. Please refer to response to comments O2-2 through O2-13 below.

O2-2 This comment suggests that the project property owner had been intentionally removing/disking sensitive habitat since 2003 to avoid mitigation. In response, the property was sold as surplus land by the City to Concordia Communities, LLC on May 20, 2020. The Draft EIR provided an appropriate representation of project existing conditions or baseline based on recent field surveys and aerial photography of the site, not pre-2003 conditions as suggested by this comment. The CEQA definition of baseline is provided below:

“The State CEQA Guidelines Section 15125 provides the following guidance for establishing the baseline: An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.”

In Section 4.3 of the EIR, existing conditions of the project site are summarized as “...the project site appears to have been disked regularly since at least 2003 and possibly earlier. The entire site is heavily disturbed by regular diskings as well as public use by people walking through the site and domestic pet use as evident by the dog waste throughout the site.” In addition, historic property uses are described in Section 4.8 of the EIR.

O2-3 This comment concentrates on the existing levee, its impact on wildlife movement and lack of biological value, as well as its location within the proposed 100-foot biological

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buffer. In response, the existing levee is a conditional/compatible use within the Preserve/WCPZ that was previously approved by the City and Wildlife Agencies and not a part of the proposed project. The existing levee /trail is located within 100 feet of the riparian habitat edge and as such is included within the 100-foot biological buffer to the San Luis Rey River (SLR), as defined in the City's draft Subarea Plan Section 5.2.4. The San Luis Rey River Flood Control Project (i.e., the bike path and levee mentioned) was properly mitigated and documented in 2014.

This comment also states that "the proposed mitigation of 3.5 acres of NNG off site cannot be evaluated without knowing where this will be located nor does that help reduce the impacts at this location along the river." The proposed off-site compensatory mitigation for the loss of non-native grassland as described in mitigation measure MM-BIO-1 would be "located within the City of Oceanside (or comparable as approved by the City and Wildlife Agencies)". The specific off-site mitigation bank location will be determined through continued coordination with the City and Wildlife Agencies and provided in the Final EIR if it is determined at the time of Final EIR production. The proposed Enhancement Plan which is now included as Appendix Q to the Final EIR for ease of reference (previously included as Appendix 5 to the Biological Impact Report, Appendix C to the Draft EIR), provides a plan to address on-site encroachment into the Preserve/WCPZ as well as local impacts to the SLR buffer.

- O2-4** This comment acknowledges that the Draft EIR includes project features such as the 6-foot masonry wall and lighting restrictions to address indirect impacts (edge effects), but states that there are no conditions/mitigation measures that ensure that potential edge effects are mitigated. Section 4.3 Biological Resources of the Draft EIR outlines the following project design features that would be incorporated into site design to avoid or minimize potential project related edge effects: 6-foot masonry walls, sycamore tree plantings, limitations and shielding of night lighting, and the implementation of the proposed Landscape Plan to minimize potential indirect impacts such as night lighting, noise, invasive species, erosion, and human disturbance into the adjacent Preserve/WCPZ. These design features are shown in Figure 3-1 and Figure 3-2 in Chapter 3 of the EIR. With incorporation of these proposed design features, indirect impacts analyzed in Section 4.3 of the EIR are determined to be less than significant and mitigation would not be required.

This comment also suggests that the Draft EIR has not adequately mitigated for these potential edge effects and recommends conditions be added to the HOA and CC&R's

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- to address edge effects. In response, the mitigation proposed in the Draft EIR adequately addresses potential impacts to biological resources, including edge effects. Additionally, this comment does not provide specific conditions that should be considered to further address edge effects.
- O2-5** The title of this comment is “Simply planting sycamores to minimize light/noise impacts is insufficient”. The comment states that maintenance of the sycamore trees need to be specifically required for this entire time period not just an initial installation. The plantings of sycamore trees are not proposed compensatory mitigation that typically require long-term maintenance and management but rather is a part of the project Enhancement Plan to address the 0.9-acre encroachment into the Preserve/WCPZ as well as to minimize potential indirect impacts such as night lighting and noise. The Enhancement Plan (Appendix Q to the Final EIR) was prepared to be consistent with applicable Subarea Plan guidelines particularly those under Section 7.2.3 (*Habitat Restoration*) that supports the proposed 3 years of maintenance. Further, the project proposes a substantially longer maintenance term than the standard provided for low-intensity enhancement (i.e., little to no maintenance) under Section 7.2.3.
- O2-6** This comment suggests that the EIR failed to properly consider the avoidance or reduction of impacts to wetlands. The Draft EIR includes an assessment of existing jurisdictional wetland resources within the biological study area in Section 4.3.1.2 on pages 4.3-6 and 4.3-7 and an impact analysis that demonstrates the project’s avoidance of jurisdictional wetlands/riparian habitat and the minimization of impacts to state regulated streambank on pages 4.3-18 and 4.3-19 that is further substantiated in the project Biological Impact Report (Appendix C to the EIR).
- O2-7** This comment expresses concerns regarding the Density Bonus waivers proposed as part of the project, and states that the Draft EIR did not address potential impacts associated with the proposed waivers nor consistency with the Zoning Ordinance. The comment also implies that the project as proposed would only be allowed with the granting of excessive waivers. In response, as outlined in Chapter 3 of the Draft EIR, as the project proposes 8 low-income units, the Density Bonus Law requires the City to grant two incentives/concessions and unlimited waivers.
- Consistent with the City’s General Plan and Zoning Ordinance, the proposed project requires certain entitlements be submitted, reviewed, and approved by the City. The requested entitlements include a Tentative Map and a Request for Density Bonus. In

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order to accommodate the increased density allowed under Density Bonus Law and maintain the single-family lot design and character of the underlying zone, the project cannot physically comply with all of the development standards that apply to standard projects. A summary of the development standards and required waivers are outlined in Table 3-4 in Chapter 3 of the EIR, to demonstrate compliance with the RS zone, or where Density Bonus waivers are requested. The City Planning Commission will use the Final EIR and associated documentation in its decision to approve or deny the required discretionary permits.

As outlined in Section 4.10, Land Use, of the EIR, the proposed project is consistent with the City's General Plan's land use designation and zoning for the project site. The project's consistency with the City's General Plan Elements goals, policies, and objectives is provided in Table 4.10-1, City of Oceanside General Plan Consistency Evaluation, of the EIR.

O2-8 This comment states that the Draft EIR has not complied with CEQA requirements for VMT analysis, and has only analyzed LOS, which is not in compliance with the City's ordinance related to SB 743. The comment states that although the project is likely below the threshold of ADT that triggers project level VMT mitigation, the Draft EIR still needs to document project compliance, as such projects will still add to cumulative GHG emissions.

In response, Section 4.15, Traffic and Circulation, of the Draft EIR describes that an assessment was conducted to determine the impacts on Vehicle Miles Traveled (VMT) for the project. The City of Oceanside utilizes the Institute of Transportation Engineers (ITE) *San Diego Regional Guidelines* (May 2019) to establish thresholds and methodology for VMT analysis. Based on the recommendations of the ITE for the San Diego region, a VMT analysis for CEQA is not required for projects consistent with the City's adopted General Plan and calculated to generate less than 1,000 Average Daily Trips (ADT). This is based on keeping consistent with the thresholds previously used and *SANDAG's Not So Brief Guide Trip Generation* (2002). These thresholds are based on the understanding that SANDAG trip generation rates differ from ITE trip generation rates which OPR's recommendations are based on. The City's adopted General Plan represents the vision and goals the City has for the community. VMT analysis is not needed for projects that support these goals and generate fewer than 1,000 ADT, as noted in Table 3 of the City of Oceanside *Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment* (August

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2020). The project is consistent with the City's adopted General Plan and is calculated to generate fewer than 1,000 ADT. The project is calculated to generate 540 daily trips with 42 trips during the AM peak hour (13 inbound/ 29 outbound trips) and 53 trips during PM peak hour (37 inbound/ 16 outbound trips). Project traffic calculations can be referenced in the Local Transportation Assessment prepared for the project, which is included as Appendix N to the Draft EIR. Therefore, it was determined that a Transportation VMT CEQA Analysis is not required and was therefore not prepared for this project. Project impacts related to GHG emissions are analyzed in detail in Section 4.7 of the EIR. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- O2-9** This comment states that the project cannot rely on GHG reductions in the City's CAP, as the City is years behind with implementing the actions in their adopted CAP. The commenter expresses concerns related to the climate crisis, and dissatisfaction towards the developer and City for not doing more to reduce GHG impacts of this project. In response, a Greenhouse Gas Screening Assessment Technical Report (Appendix G to the Draft EIR) was prepared for the proposed project, and provides a detailed analysis of potential project impacts related to greenhouse gas emissions, including cumulative impacts. Findings from the Technical Report are outlined in Section 4.7 of the EIR. As outlined in Section 4.7 of the Draft EIR, Consistent with California's Climate Change Scoping Plan, the City has established a bright line threshold of significance for GHG emissions impacts: 900MT annually, with construction-related emissions amortized over 20 years. Projects that fall under this threshold are not required to conduct analysis of GHG emissions impacts, and thus would not benefit from the Checklist. Projects that don't meet the bright line threshold of significance are required to meet an efficiency metric threshold of 4.0 MT CO_{2e} per service population per year (MT CO_{2e}/SP/yr) for year 2020 or an efficiency metric threshold of 3.5 MT CO_{2e}/SP/yr for year 2025 (City of Oceanside 2019). Projects that meet these thresholds would be considered consistent with the City's CAP. Projects within the City are evaluated using the City's CAP, among other applicable federal, state, and local regulations. As analyzed in Section 4.7 of the Draft EIR, the project would not exceed the City's 900 MT CO_{2e} screening threshold, as it is calculated to generate approximately 3.29 MT CO_{2e}/SP. In addition to project consistency with the City's CAP, the project would also be consistent with federal, state and local regulations outlined in Section 4.7.2 of the EIR, including the City's General Plan, SANDAG's San Diego Forward Regional Plan, SB 32 and EO S-3-05.

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Additionally, as outlined in Chapter 3 of this EIR, the project would incorporate sustainability design features to reduce potential energy and water usage, promote pedestrian and bicycle travel, and reduce potential greenhouse gas emissions. These sustainability features include solar systems for each home within the development, installation of 90% light-emitting diode (LED) lighting or other high-efficiency lightbulbs, energy star or equivalent energy efficient appliances, low-flow water fixtures and appliances, drought-tolerant landscaping and water efficient irrigation systems on-site, and bicycle parking.

The commenter does not otherwise provide further recommendations to reduce GHG emissions, nor raise any other substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- O2-10** This comment states that the Draft EIR provides an inadequate analysis justifying rejection of the environmentally superior alternative. The comment also states that the project objectives do not require a minimum number of units or that the number of units be maximized. The commenter also explains that reducing the number of units and placing them on a smaller footprint would reduce impacts on biological resources, GHG and other resource areas. Lastly, the comment explains that CEQA requires a reasonable range of alternatives and it does not require that an alternative meet all of the project objectives, nor be rejected because it is less profitable without evidence that it is sufficient to render it impractical to proceed. In response, as explained in Chapter 4 of the EIR, 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 throughout Chapter 4 of the EIR.

The City understands that CEQA requires a reasonable range of alternatives and it does not require that an alternative meet all of the project objectives, nor be rejected because it is less profitable. However, as described in Chapter 4 of the EIR, 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

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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 Cypress Point Project (proposed project) would not result in any significant and unavoidable impacts. Therefore, the alternatives proposed aimed to address the project’s potentially significant impacts to biological resources, cultural resources, geology and soils, and tribal cultural resources.

The comment does not provide recommendations for inclusion of specific additional alternatives to those proposed. The City believes the alternatives proposed and considered represent a reasonable range. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- O2-11** The comment states that Preserve Calavera believes the Reduced Density Alternative was improperly rejected and is the environmentally superior alternative, as it would provide superior protection of the biological resources along the San Luis Rey River and reduce GHG impacts. In response, as outlined in Chapter 4 of the EIR, 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. The reduced density alternative would not necessarily reduce the project footprint and could result in similar impacts to that of the proposed project.

Similarly, the “Reduced Footprint Alternative” was considered but rejected. The Reduced Footprint Alternative would remove the portion in the northwest corner of the project site from the site plan. However, 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 the Reduced Footprint 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

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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. Additionally, the Reduced Footprint Alternative was deemed infeasible as it would impede the requested density bonus, as a result of the reduced acreage, which would impact the amount of available affordable housing on-site, thus not meeting project objectives.

The Draft EIR did bring forward for consideration the No Project (No Build) Alternative, which would avoid all potential impacts to biological resources; however, it would not meet any project objectives. Therefore, the Draft EIR did consider alternatives that would reduce potential impacts to biological resources. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

O2-12 This comment states that the alternatives analysis failed to evaluate a reasonable range of alternatives, rejected ones that would have reduced impacts and failed to correctly evaluate the environmentally superior alternative. In response, please refer to response to comment O2-11. Additionally, as explained in Chapter 4 of the EIR, 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 throughout Chapter 4 of the EIR. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

O2-13 This is a conclusion statement, and the commenter expresses appreciation for considering their comments. This comment does not otherwise raise a substantive issue on the content of the Draft EIR, and no revisions to the Draft EIR are necessary.

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O3 SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY, INC.

November 19, 2021

- O3-1** The commenter states that the cultural resources aspects of the Draft EIR have been reviewed. The comment states that the committee of the San Diego County Archaeological Society agrees with the information contained in the Draft EIR and Appendices D and E, as well as the proposed mitigation measures. In response, this comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

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I1 MARC PUCKETT

November 12, 2021

- I1-1** The commenter opens this comment letter with project site history and some personal background. The commenter states that previously the project site was not buildable, and surrounding residents were opposed to any potential development on the project site as they are currently with the proposed project. The commenter states that the project site was sold in a Private Session of the Council under Covid in 2020, and that no previous encounters over the property are shown in the requested Public Record Document (Attachment 1 to this Comment Letter I1). This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- I1-2** The comment expresses concern about the City selling a portion of the San Luis Rey bike trail to the applicant. The commenter asks if the developer/applicant can eventually put in a toll booth there or exercise any authority. Additionally, the commenter expresses concern regarding a portion of the site located in a hard preserve area. In response, the developer/applicant does not have the authority to implement a toll booth on the portion of the public bike trail that passes through the project boundary, nor do they have any plans to do so. Regarding the hardline preserve area, as outlined in Chapter 3, *Project Description*, of the Draft EIR, existing vegetation at the northwest corner of the site along the San Luis Rey would be left undisturbed. A four-foot wall would be located on the northwest corner of the proposed private road facing the trail, with a masonry wall above that connects to the masonry perimeter wall for safety and to prohibit human encroachment into the river buffer and the hardline preserve. Please refer to Figures 3-1 and 3-2 in the EIR. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- I1-3** This comment expresses concern for the future of the project site. The commenter states that according to the 2019 Master Plan for Oceanside Parks and Recreation, it shows areas along the Oceanside Boulevard transit corridor as the areas of expected growth and shows the San Luis Rey neighborhood already having some of the highest density of population in the City. The comment implies that the project would further accentuate park space deficiency. In response, the project site is zoned RS-Single Family residential, corresponding with the General Plan designation of Single Family

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Detached residential (SFD-R). The proposed uses would be compatible with the current land use designations for the project site and would be compatible with surrounding residential zones including Single-Family Residential District, Medium Density A District, Medium Density B District, and High-Density Residential District in the adjacent neighborhoods to the east and south of the project site. Regarding park space, the EIR determined that the combination of proposed project open space amenities on-site, existing park and recreational facilities in the area, and proposed future recreational facilities within the City would adequately serve future residents of the project site. Additionally, the project developer would be responsible for applicable Development Services Department Impact Fees which go towards City facilities such as (but not limited to) parks, public facilities, and schools. Please refer to Sections 4.13 and 4.14 of the EIR for detailed analyses on potential impacts to parks and recreation as a result of project implementation. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

I1-4 The comment states that one of the requirements from the Master Plan was for 700 miles of trails in the City, and that the project site and surrounding parcels have existing, well worn trails already. The commenter states that they, along with others, walk daily from through the subject parcel and see many other joggers, walkers and dogs. In response, the EIR acknowledges that the project site is heavily disturbed and currently used by surrounding residents as an extension of the adjacent open space to the west, for passive recreational use, dog walking, and trail access. However as outlined in Response to Comment I1-3 above, the project site is currently zoned for RS-Single Family residential, corresponding with the General Plan designation of Single Family Detached residential (SFD-R). The proposed uses would be compatible with the current land use designations for the project site. The proposed project would not alter the designated open space area owned by the City located between the project's western boundary and the San Luis Rey River Trail. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

I1-5 The commenter states that there won't be any open space if we don't preserve it now. The commenter also states that the project site is likely of historical significance for local Indians, and coyotes are present on site as well. In response, as outlined above in Response to Comment I1-4, the project site is currently zoned for RS-Single Family residential, corresponding with the General Plan designation of Single Family Detached residential (SFD-R). The proposed uses would be compatible with the current land use

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designations for the project site. The proposed project would not alter the designated open space area owned by the City located between the project's western boundary and the San Luis Rey River Trail. Regarding historical significance of the site, the City has completed Native American consultation under AB 52 with interested Tribes. Please refer to Sections 4.4 and 4.16 of the EIR for a detailed analysis on potential impacts related to cultural and tribal cultural resources as a result of the project. Furthermore, please refer to Section 4.3 of the EIR for a detailed analysis on potential impacts related to biological resources as a result of the project. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

I1-6 The commenter provides a photograph of a view looking east down towards the project site from the adjacent residential development across the San Luis Rey River corridor, off of Rivertree Dr. The comment asks the reader to imagine what 54 two story houses built up on a pad that rivals the bike path is going to look like from this view. In response, Section 4.1 of the EIR provides a detailed analysis of potential impacts related to aesthetics as a result of the project and includes descriptions of existing and proposed views from surrounding key observation points. Rivertree Drive is acknowledged in this EIR Section. The EIR determined that potential impacts related to scenic vistas, scenic resources, and visual character and quality would be less than significant. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

I1-7 The commenter states there are no existing gated communities in the surrounding neighborhoods as the project proposes and questions the need for a gated community for the proposed low-income residents. The commenter states that there is existing low-income residents that have a large investment in the community and that should not be reduced by the proposed development. Additionally, there are homeless in the neighborhood that would not benefit from the proposed project. In response, as outlined in Chapter 3 of the EIR, the proposed project site 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. The project as proposed is based off of the requirements under the Surplus Lands Act of California. The entry to the project site at Pala Road will be a private gate that would be owned and operated by the HOA for the benefit of the homeowners. During the NOP scoping meeting for the project, surrounding residents voiced concern over project access through Aspen

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- Street, and also voiced concern regarding the initially proposed public trail along the project's eastern boundary. As a result of this meeting, the applicant revised the site plans to address these concerns raised, so that Aspen Street would be gated and only serve as emergency access, and no public path would be proposed along the project's eastern boundary. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- I1-8** The comment states that the Draft EIR or the Public Record Request (Attachment 1 to this Comment Letter), says the City 'guarantees' the delivery of water to the development; however other cities in California are without water, so how is this guaranteed? In response, the EIR does not guarantee water service; however, the EIR determined that the existing public water system infrastructure would adequately serve the project site. As analyzed in Section 4.17, *Utilities and Service Systems*, of the EIR, considering the capacity of the City's existing facilities, water demand generated by the project is expected to be adequately served during normal, dry and multiple dry years. Please refer to Section 4.17 of the EIR for a detailed analysis on project water demand and service. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- I1-9** The commenter expresses concern about hiring someone to evaluate the area when they don't have the understanding and value of those who reside there. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- I1-10** The comment expresses concern that City planners that do not live in the City will not represent the City residents, and that there should be a requirement to represent the residents instead of outside developers. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- I1-11** The comment expresses concern related daily traffic on surrounding streets, including Douglas, Pala, Fireside, and Mission; and that the traffic analysis does not evaluate project traffic on Fireside and Mission. The comment also speaks to traffic problems on Mission at Academy from previous planning efforts, not associated with the project. In response, the Local Transportation Analysis prepared for the proposed project

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(Appendix N to the EIR) developed the analyzed traffic study area based on the anticipated assignment of the proposed project traffic and locations which would carry the most project traffic, per City of Oceanside staff coordination and scoping meetings. The study area meets and exceed the trip-based criteria from the City's guidelines which are outlined in Section 4.15 of the EIR. Furthermore, a Supplemental Transportation Assessment of Fireside Street was completed for the proposed project, and is included as Appendix R to the Final EIR. Although the project would not add more than 50 peak hour trips to Fireside Street (thus why Fireside Drive was not selected for analysis in Appendix N, Local Transportation Analysis) a supplementary Level of Service (LOS) analysis of Fireside Street has been conducted for the project for clarification. The Supplemental Transportation Assessment concluded that based on the City of Oceanside's traffic thresholds and methodology, roadway improvements to Fireside Drive would not be required. Please refer to Appendix R of the Final EIR for a full analysis and calculations for project impacts to Fireside Drive. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

I1-12 The comment expresses concern regarding discussions with the City planner on state housing mandates for low-income housing, and SB330. The commenter also questions how the project would help the plight of the low-income Oceanside worker. In response, as outlined in Chapter 3 of the EIR, the proposed project site 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. The project as proposed is based off of the requirements under the Surplus Lands Act of California and would provide for 8 affordable/low-income units. As outlined in Section 4.12 of the EIR, *Population and Housing*, the proposed project would be consistent with the designated land use and zoning for the project site, and implementation of the proposed project would be consistent with the SANDAG growth projections for the City, as well as the City's Regional Housing Needs Assessment goals. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

I1-13 The comment states that the area already supports the homeless that camp in the area, including on the subject property. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

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II-14 The commenter expresses concerns regarding flooding in the surrounding neighborhoods as a result of the project built on a pad raised above the floodplain. The comment provides a photo of Pala Road and Los Arbolitos Boulevard flooded during a storm event. The commenter also states that some residents are not able to get Homeowners insurance because they are too close to the river. In response, hydrology of the project site and the immediately surrounding area is analyzed in Section 4.9, *Hydrology and Water Quality*, of the EIR. In existing conditions, the project site is in a Special Flood Hazard Area, as designated by the Federal Emergency Management Agency (FEMA), as seen in Flood Insurance Rate Map (FIRM) map number 06073C0752H. The entire project site is within an A99 designation, which is defined as “Areas subject to inundation by the 1-percent-annual-chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes.” (refer to Section 4.9, *Hydrology and Water Quality*, of the EIR). A 1% annual chance of flooding is also known as a 100-year flood. Mandatory flood insurance requirements and floodplain management standards and regulations apply to all parcels located within Zone A99. According to the Drainage Study performed by Omega Engineering (Appendix H to the EIR), the project site is currently undeveloped with no permanent drainage improvements. On-site drainage is overland flow and concentrated natural flow. Runoff from the residential project area to the west flows onto the site at the dead-end of Aspen Street. It then flows across the site in a graded channel and enters a concrete drainage channel that runs along the east side of the site, discharging to a vegetated area adjacent to San Luis Rey River.

In the proposed condition, the project would collect and treat runoff prior to discharging from the site in accordance with stormwater regulations. Off-site runoff currently flows from Aspen Street and Pala Road and adjacent project areas. Private and public storm drains would intercept this flow and convey it though the site. Runoff would flow from on-site drainage would be collected and filtered at the four proposed biofiltration basins for the purpose of combined pollutant and hydromodification control. The project’s drainage study concludes that project improvements would result in an increase in peak runoff flowrate by approximately 15%. Although the project would lead to increased runoff, the amount generated is not anticipated to create adverse effects on the project site or downstream due to on-site operational management plans. The Drainage Study also calculates and concludes that the project site would not receive waters during the

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peak of a 100-year, 6-hour, storm event (Appendix H). The EIR determined that due to the designed drainage systems, the project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and project impacts related to flooding would be less than significant.

This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

I1-15 This comment acknowledges wells and pipes that run through the project site and nearby area. However, this comment does not raise specific issues on the content of the Draft EIR. Please refer to Sections 4.9 Hydrology and Water Quality, and 4.17 Utilities and Service Systems for a detailed analysis on existing and proposed infrastructure. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

I1-16 This comment expresses concern regarding the project potentially reducing existing home values in the area. The commenter references Attachment 1 to this comment letter I1. In response, all but 8 of the 54 proposed single-family homes would be sold at market rate. A project objective is to ensure both visual and functional compatibility with other nearby land uses, development, and natural features. The California Environmental Quality Act (CEQA), under which the EIR is prepared, requires an analysis of physical impacts to the environment, and does not require analysis of social and economic impacts. Property value loss is not a physical impact required to be included in a CEQA analysis. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

I1-17 The comment states that prior to Proposition 13, inflation forced people out of their houses through the actions of the assessor's office. The commenter states that now people are being forced out by disregard for zoning, planning and property development. In response, as outlined above in Response to Comment I1-4, the project site is currently zoned for RS-Single Family residential, corresponding with the General Plan designation of Single Family Detached residential (SFD-R). The proposed uses would be compatible with the current land use designations for the project site. Additionally, please refer to Response to Comment I1-16, above. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

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- I1-18** This comment expresses concerns regarding the aesthetic “Do Nothing” scenario. In response, the City believes the commenter is instead expressing concerns regarding the No Project Alternative, in which no development would occur under the proposed project, but the site would remain available for future development. The comment goes on to suggest the site be used for a San Luis Rey River Park, such as Bonsall is doing, and provides a link for reference. In response, as outlined above in Response to Comment I1-4, the project site is currently zoned for RS-Single Family residential, corresponding with the General Plan designation of Single Family Detached residential (SFD-R). The proposed uses would be compatible with the current land use designations for the project site.
- I1-19** The comment expresses concern about the project developing an area that is currently used as an extension of open space area, and the project’s impact adjacent to the San Luis Rey River Park. In response, please refer to Response to Comment I1-3 and I1-4, above.
- I1-20** The comment states that the proposed development will limit options for the site and surrounding area in the future and expresses concerns regarding the developer’s vision impacting existing nearby residents. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- I1-21** The commenter states that they are not opposed to future growth in the area, however the project is not reflective of the existing community. The comment expresses concern regarding traffic related to the approved Ocean Kamp project. In response, the proposed uses would be compatible with the current land use designations for the project site, and all potentially significant impacts because of the project have been reduced to a less-than-significant level with implementation of mitigation. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.