

August 27, 2024

Shannon Vitale
City of Oceanside
Planning Division
300 North Coast Highway
Oceanside, CA 92054

Subject: 801 and 815 Mission Avenue Apartments – Justification for CEQA Class 32 Categorical Exemption

Dear Ms. Vitale:

Dudek has evaluated the 801 and 815 Mission Avenue Apartments project (proposed project) in the City of Oceanside. Based on our technical analyses, we have determined that the project meets all of the criteria for the categorical exemption under the California Environmental Quality Act (CEQA) Section 15332, described herein. Due to the lack of significant impacts and the existing land use, a Class 32 Categorical Exemption is the appropriate environmental document for this project. We have included below substantial evidence to justify this conclusion.

CATEGORICAL EXEMPTIONS

Article 19 of the CEQA Guidelines includes a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Such projects are categorically exempt from the requirement for the preparation of environmental documents.

The CEQA Guidelines to qualify for a 15332 categorical exemption:

- **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

- Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

CLASS 32 EXEMPTION: IN-FILL DEVELOPMENT PROJECTS

Class 32 exemptions are intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Application of this exemption, as all categorical exemptions, is limited by the exceptions described above.

Class 32 exemptions are appropriate for projects that meet the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.

- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

PROPOSED PROJECT ANALYSIS

In support of the below findings, Dudek has conducted the following technical studies:

- Air Quality and Greenhouse Gas Emissions Analysis Technical Memorandum for the Mission Avenue Apartments Project (May 2024)
- Biological Constraints Analysis Memorandum for the Mission Avenue Apartments Project (May 2024)
- Built Environment Inventory and Evaluation Report, Mission Avenue Apartment Project (May 2024)
- Noise Technical Report for the Mission Avenue Apartments Project (May 2024)

Dudek has also reviewed the following additional technical reports prepared for the project:

- Local Transportation Study (LLG Engineers; May 2024)
- Update Geotechnical Investigation, 801 Mission Avenue, Oceanside, California (Geocon, Incorporated; May 2024)
- Phase I Environmental Site Assessment, 801 Mission Avenue (SCS Engineers; November 2015)
- Phase I Environmental Site Assessment, 815 Mission Avenue (SCS Engineers; October 2020)
- Preliminary Storm Water Quality Management Plan (Fusco Engineering, Inc; August 2024)

Categorical Exemption Analysis

- Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

- *Based on a search of the Department of Toxic Substances Control's (DTSC) EnviroStor database and the State Water Resources Control Board's (SWRCB) GeoTracker database, the project site is not identified as a site of hazardous materials. Based on the technical reports and studies prepared for the project, the project does not have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*
- Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
 - *Based on the technical reports and studies prepared for the project, cumulative impacts of successive projects of the same type in the same place, over time are not significant.*
- Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
 - *Based on the technical reports and studies prepared for the project, there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*
- Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
 - *Based on a review of the California Department of Transportation list of officially designated California State Scenic Highways, the project is not located on, or adjacent to, a highway officially designated as a state scenic highway.*
- Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

- *Per the Phase I Environmental Site Assessments that were prepared for the property (801 Mission Avenue and 815 Mission Avenue), and a search of the hazardous materials database list, also known as the Cortese list databases, the project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*
- Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.
 - *The project will not cause a substantial adverse change in the significance of a historical resource; the site is currently occupied by two one-story banking/commercial buildings and a surface parking lot which will be demolished as part of the proposed project. The demolition of these buildings would not present a substantial adverse change because these buildings are not considered historical resources.*

Class 32 Exemption: In-Fill Development Analysis

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
 - *The project is designed in accordance with the City's General Plan, all applicable plan policies, and meets the requirements of the zoning designation and regulations.*
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
 - *The proposed project is less than 5 acres and within the city limits.*
- The project site has no value as habitat for endangered, rare or threatened species.
 - *Per the Biological Constraints Analysis Memorandum for the Mission Avenue Apartments Project prepared by Dudek dated May 17, 2024, the project site has no value as habitat for endangered, rare or threatened species. However, if construction activities are to occur during the breeding season, Dudek recommends conducting a one-time pre-activity/nesting bird survey prior to*

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ground-disturbing activities, in compliance with the federal Migratory Bird Treaty Act to avoid impacts to nesting raptors and/or birds protected by the Act.

- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - *Based on the technical reports and studies prepared for the project by Dudek and others as listed above, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

- The site can be adequately served by all required utilities and public services.
 - *The project would include connection to existing water and sewer utility lines and would be served by City of Oceanside public services. The site can be adequately served by all required utilities and public services.*

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CONCLUSION

The proposed project does not fall under any of the exceptions to the use of a categorical exemption, as defined in Article 19 of the CEQA Guidelines (and described above). The project is not anticipated to result in any significant direct or cumulative impacts, and would not result in damage to scenic resources within a highway officially designated as a state scenic highway. The project site is also not included on any list compiled pursuant to Section 65962.5 of the Government Code (hazardous waste sites). Lastly, the project would not cause a substantial adverse change in the significance of a historical resource.

The proposed project also meets all of the conditions required for a Class 32 exemption. It is consistent with the City’s general plan designation and all applicable general plan policies, as well as with the underlying zoning on the property. The site is less than the 5-acre maximum and is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species. The technical studies indicate that the project would result in less-than-significant impacts. And lastly, the site can be adequately served by all required utilities and public services.

As a result, Dudek is recommending that this project utilize the Class 32 CEQA exemption. If you have any questions regarding this analysis, please feel free to contact Emily Seklecki at 619.949.3080, or eseklecki@dudek.com.

Sincerely,

Emily Seklecki,
Project Manager