File #: 25-738 **Agenda Date:** 5/7/2025 **Agenda #:** 12.

DATE: May 7, 2025

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2025-P03 CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM AND UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2025-P02 APPROVING A DEVELOPMENT PLAN (D24-00006), TENTATIVE PARCEL MAP (P24-00002), AND DENSITY BONUS (DB24-00001) TO ALLOW THE CONSTRUCTION OF A 100% AFFORDABLE HOUSING PROJECT CONSISTING OF 199 APARTMENTS LOCATED ON A 43.50-ACRE SITE SITUATED AT THE WESTERN TERMINUS OF OLIVE DRIVE (APN: 162-111-04) - OLIVE PARK APARTMENTS PROJECT - APPLICANT: CAPSTONE EQUITIES; APPELLANT: MIRA COSTA NEIGHBORS FOR RESPONSIBLE DEVELOPMENT**

RECOMMENDATION

Staff recommends that the City Council adopt a resolution upholding the Planning Commission's certification of a Final Environmental Impact Report (SCH No: 2024040851) and associated Mitigation Monitoring and Reporting Program, and approval of Development Plan (D24-00006), Tentative Parcel Map (P24-00002), and Density Bonus (DB24-00001) to allow the construction of a 199-unit, 100 percent affordable housing project located on a 43.50-acre site situated at the western terminus of Olive Drive.

BACKGROUND AND ANALYSIS

The project site consists of a vacant 43.50-acre parcel ("Parcel Area") located at the western terminus of Olive Drive, south of Oceanside Boulevard and west of College Boulevard (APN: 162-111 -04). The project site is adjacent to the College Boulevard Sprinter Station and connects directly to the Oceanside Boulevard/College Boulevard Smart Growth Opportunity Area designated by the San Diego Association of Governments (SANDAG). Surrounding uses include the North County Transit District (NCTD) rail line, College Boulevard Sprinter Station, Loma Alta Creek, and industrial and commercial uses to the north, single-family residential development to the east and south, and open space to the west. The project site (outlined in black) and surrounding area are depicted in Figure 1 below.

Figure 1: Project Location

The property has a General Plan land use designation of Medium Density Residential (MDA-R), a Zoning Designation of Single Family Residential (RS), and is located within the Mira Costa Neighborhood Planning Area.

The project site is undeveloped and consists of highly disturbed land on the northeastern portion of the parcel and native vegetation on the southern slope and western upland areas. According to the Biological Technical Report (BTR) prepared for the project (Attachment 4 to the Planning Commission Staff Report which is appended to this staff report as Attachment 4), areas mapped as disturbed habitat throughout the parcel area include dirt paths and encampments. The BTR identified seven vegetation communities and two land covers present on the parcel: Diegan coastal sage scrub (including disturbed form), southern mixed chaparral (including disturbed form), non-native grassland, freshwater marsh, non-vegetated channel, southern willow scrub (disturbed), eucalyptus woodland, disturbed habitat, and urban/developed land.

The parcel abuts a relatively steep and heavily vegetated slope to the south. Loma Alta Creek, which flows east to west through the western portion of the parcel, and adjacent riparian areas are located in the northwestern portion of the project site. The Parcel Area is located outside of the Wildlife Corridor Planning Zone designated by the Draft Oceanside Subarea Plan, but is located within the North County Multiple Habitat Conservation Program (MHCP) area. The MHCP is a long-term regional conservation plan established to protect sensitive species and habitats in northern San Diego County.

The total Parcel Area shows signs of disturbance including unpermitted grading, several dirt trails, trash and debris, and encampments scattered throughout the site. Elevations range from approximately 185 feet above mean sea level at Loma Alta Creek in the northwest corner of the parcel to 460 feet above mean sea level at the uppermost portion of the south east slope. According to the Geotechnical Report prepared for the proposed project (Attachment 5 to the Planning Commission Staff Report which is appended to this staff report), landslide deposits are mapped

underlying most of the central and eastern portions of the site.

Pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) has been prepared to evaluate the environmental impacts associated with implementation of the proposed development project. The proposed project described and fully analyzed in the Draft EIR (DEIR) included the development of a maximum of 282 residential dwelling units on the project site (or 83 more units than is currently being proposed). Pursuant to Section 15126.6 of the CEQA Guidelines, an "EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would also avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives". In accordance with this provision of CEQA, the DEIR included an analysis of three project alternatives: No Project (No Build) Alternative, Reduced Density Alternative (RDA), and Reduced Footprint Alternative. Responding to input received during the public review period of the DEIR, staff recommends City Council approval of the proposed RDA project, which is considered as the environmentally superior alternative pursuant to CEQA.

On June 26, 2024, the City Council authorized the use of up to $6 million in affordable housing funds, via a Notice of Funding Availability (NOFA), to support this 100% affordable project via City Council Resolution No. 24-0334-1 (Attachment 9 to the Planning Commission Staff Report which is appended to this staff report).

Proposed Project

The project application is comprised of a Development Plan, Tentative Parcel Map, and Density Bonus to allow the construction of a 100 percent affordable housing project consisting of 199 residential units (40 units reserved for moderate income households earning no greater than 120 percent of the area median income, 157 units reserved for low income households earning no greater than 80 percent area median income, and 2 units reserved for on-site property management or maintenance staff) pursuant to State Density Bonus Law (SDBL).

Development Plan (D24-00006) represents a request to allow the construction of a 100 percent affordable housing project consisting of 199 rental apartments and associated amenities and site improvements on a 6.33-acre net developable pad area located at the northeastern portion of a 43.50 -acre vacant parcel. The total RDA project on-site impact area, including manufactured slopes necessary to facilitate the development of the pad area, is approximately 10.87 aces. The remaining site acreage (32.63 acres) would be set aside as permanent open space and placed under a conservation easement. Figure 2 illustrates the on-site impact area (labeled Olive Park Apartments) and conservation easement area.

Figure 2: Project Components

Site Plan: The proposed RDA project has been designed to utilize the northeastern portion of the Parcel Area for the project footprint, most of which has been previously graded and heavily disturbed with dirt paths, thereby keeping the remaining site acreage intact. The proposed development pad area and site grading avoids Loma Alta Creek and maintains a 100-foot buffer from the riparian areas adjacent to Loma Alta Creek. As shown in Figure 3 below, extensive perimeter landscaping, including a landscaped open space area with bench seating at the northeastern corner of the parcel would be established onsite. This open space area, which property management would be responsible maintain, is designed to be accessible to the public and includes the construction of a pedestrian/bicycle pathway to the College Boulevard Sprinter Station located just north of the project site. The applicant coordinated with NCTD regarding the alignment of the proposed connection to the Sprinter Station. NCTD voiced support for this component of the project because it would increase accessibility to the Sprinter Station and be available for use by the existing neighborhood as well as residents of the proposed RDA project.

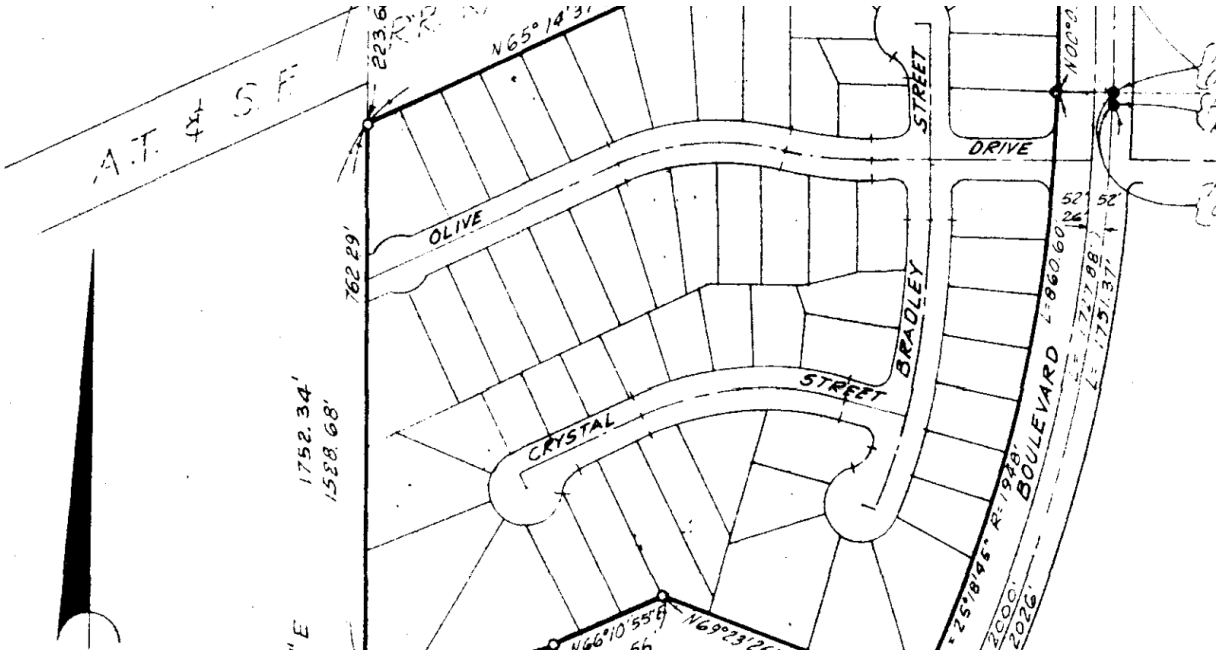
Figure 3: Site Plan

The project site contains approximately 8.99 acres considered to be undevelopable as defined by Policy 1.25 of the General Plan Land Use Element. Undevelopable land includes slopes in excess of 40 percent with a minimum elevation differential of 25 feet as well as wetland areas and riparian corridors. Those portions of the project site considered undevelopable under the criteria outlined above have not been included in the density calculations for the project nor are there improvements proposed in these areas of the project site (primarily located on the southern and western portions of the Parcel Area).

Access: Olive Drive provides adequate and sufficient legal access to the parcel. Through the proposed RDA project, using existing dedicated Olive Drive right-of-way, the project site would be connected to Olive Drive. In addition, under the proposed RDA, the project site entry would be enhanced with landscaping, 100 feet of sidewalk at the western edge of Olive Drive, an entryway sign, and a project entry gate. From that connection to Olive Drive, the project would provide a publicly accessible open space area, and a publicly-accessible, bicycle and pedestrian concrete pathway to the College Boulevard Sprinter Station.

It should be noted that based on City documentation, Olive Drive was never intended to remain a cul-de-sac. As shown in Figure 4, an excerpt of the Final Map that dedicated Olive Drive (Attachment 7 to the Planning Commission Staff Report which is appended to this staff report), approval for the College Park Estates Unit No. 8 included a direct connection to the project site. In fact, a one-foot strip of Olive Drive located on the project site was granted to the City of Oceanside as part of the Final Map approval. Through this one-foot strip connection, access to the project site from Olive Drive was formally documented and implemented. In addition, the Local Transportation Study (LTS) prepared for the proposed project demonstrates that the segment of Olive Drive between the project site and College Boulevard has adequate capacity to serve the project, existing development, and cumulative projects in both the near term and year 2050 buildout scenario.

Figure 4:Olive Drive



Although not required, alternative vehicular access points were evaluated in response to comments from the community; it was determined that taking access from other directions present significant challenges and/or are not feasible per the following:

- All other access routes would require the acquisition of property that the developer does not control and those owners cannot be forced to convey.
- Access to the south is constrained by steep slopes, sensitive habitat areas, and the absence of a feasible right-of-way connection. A connection to the west poses similar environmental challenges. Large open space and hardline preserve areas located west of the project site are part of the Rancho del Oro Preserve and consist of sensitive habitat, which constrains any feasible access route to Rancho del Oro Drive or Oceanside Boulevard through these areas.
- An access road through these areas would also significantly reduce the development pad for the proposed RDA project, due to Softline Preserve restrictions on the project site.
- To the north, access to Avenida del Oro is infeasible due to the significant habitat constraints, logistical challenges, and geotechnical design constraints.
- Loma Alta Creek, which is situated north of the NCTD tracks, prohibits construction of a tunnel beneath the tracks even if such a design were otherwise feasible.
- In addition to the lack of a viable right-of-way connection and the prohibitive costs of constructing a bridge, the Avenida del Oro right-of-way does not align with areas where an at grade crossing or bridge could connect, as it intersects with private property and parking areas of an existing commercial/light industrial development.
- Such northerly crossing options would require complex coordination with NCTD and California Public Utilities Commission and approvals that neither public agency is required to grant as well as uncertain timelines.
- Providing a northern access route with an at-grade crossing would require removing or shortening of the proposed retaining wall to lower the pad elevation, which would not provide the required stabilization of the southern slope.

Landscaping: In addition to the existing vegetation present on the slopes surrounding the project site, the proposed RDA project would incorporate additional trees and drought-tolerant landscaping on the perimeter of the developable pad area. There would be 310 new trees planted within the proposed RDA project onsite impact area, which would result in a tree canopy of approximately 20 percent of the total onsite impact area. Plant palettes would include native species that would help stabilize the slopes. When including the conservation easement acreage, approximately 36.88 acres of the total parcel (85 percent) is landscape and/or native vegetation. All proposed landscaping is consistent with the City's Landscape Design Manual and approved tree list. The Conceptual Landscape Plan (CLP) prepared for the project has been reviewed and approved by the City's Landscape Architect and is included in Attachment 3 to the Planning Commission Staff Report which is appended to this staff report.

Affordable Units Composition: The proposed RDA project includes development of 199 multi-family residential units constructed in two four story buildings with a maximum building height of approximately 50 feet. The total area of the building footprint would be approximately 221,740 square feet. All of the units would qualify as affordable units with 40 units set aside for moderate income households earning no greater than 120 percent of the area median income (AMI), 157 units set aside for low income households earning no greater than 80 percent AMI, and two units reserved for on-site property management or maintenance staff. The units would range in size from 540 square feet to 1,109 square feet and consist of a mix of 1-bedroom, 2-bedroom, and 3-bedroom floorplans dispersed throughout the project site. Table 1 provides a summary of the different floorplans provided in the project.

Table 1: Floorplan Summary

Building #	Building Size	Building Type	# of Units	Floor Plan Type (# of each)
1	115,090 sf	Residential 4-story courtyard building with surface parking	111	1 bd / 1 ba (28) 2 bd / 1 ba (43) 3 bd / 2 ba (40)
2	106,650 sf	Residential 3 & 4-story courtyard building with surface parking	88	1 bd / 1 ba (20) 2 bd / 1 ba (16) 3 bd / 2 ba (52)
Totals	**221,740 sf**		**199**	

Site Improvements: Common amenity areas, including community gardens, courtyards (to include BBQs, playground equipment and seating areas), dog run, and paseo area, are located throughout the project site. In total, approximately 35,582 square feet of common open space is proposed. A single continuous retaining wall is proposed along the northern boundary of the development pad adjacent to the NCTD rail line. The wall would follow the existing topography of the project site and would be a maximum of 32 feet in height at its uppermost point. Extensive landscaping and trees would be planted along the south side of the wall to help screen the wall from the project site. As shown in Figure 4 below, due to the topography of the site and the proposed landscaping to be

planted along the perimeter of the developable pad area, the wall would primarily be visible from the NCTD rail line. The hillside along the southern boundary of the pad area would be stabilized with shear pins and buttressing as recommended in the Geotechnical Report (Attachment 5 to the Planning Commission Staff Report which is appended to this staff report).

Figure 5: Site Rendering

Vehicle Circulation and Parking: Access to the site would utilize a new driveway constructed off of Olive Drive. The proposed residential buildings would be connected by a private driveway within the developable pad area. Resident and guest access from Olive Drive would lead to internal vehicular drives and pedestrian walkways. The internal drive aisles surrounding the buildings are designed at 28 and 36-foot minimum widths. The site has been designed in consultation with the Oceanside Fire Department (OFD) and would adequately accommodate fire apparatus trucks and other service vehicles.

Although the proposed RDA project is not required to provide on-site parking pursuant to SDBL (the project site is a 100 percent affordable housing project located within a one-half mile of a major transit stop), a total of 382 on-site parking spaces would be provided. The parking spaces would be distributed around the perimeter of both buildings and in the western portion of the developable pad area.

Architecture: The proposed architecture is a contemporary Spanish style that incorporates tower elements, an arched entryway, red clay tile roofing materials, iron balcony railings, decorative window awnings, and stucco walls. The building elevations, which are illustrated in Figure 5 below, would be earth tone colors and include shades of brown, white, and tan.

Figure 6: Architecture

Habitat and Conservation Easement: Although the proposed RDA project impact area (outlined in red in Figure 7 below) is designed to avoid existing habitat and riparian areas to the greatest extend possible, permanent impacts would occur to 0.99 acres of Diegan Coastal Sage Scrub, 2.45 acres of disturbed southern mixed chaparral, and 4.33 acres of non-native grassland. The project impact area would not encroach into the 100-foot wetland/riparian buffer area located adjacent to Loma Alta Creek, and the southern and western portions of the parcel area (totaling 32.63 acres) would be conserved to offset the direct impacts to habitat. As part of the proposed RDA project, the 32.63 acres would be placed in an open space conservation easement managed in perpetuity by an agency, non-profit organization, or other entity approved by California Department of Fish and Wildlife and United States Fish and Wildlife Services.

As illustrated in Figure 7 below, a majority of onsite sensitive and protected habitat is located in the southern and western portions of the parcel that would be placed in the conservation easement. The proposed RDA project is conditioned to provide a habitat management plan that details how the open space conservation easement would be managed, maintained, and monitored. This plan would require approval by the City, California Department of Fish and Wildlife, and United States Fish and Wildlife Services prior to implementation. The proposed RDA's project impact area and plan for onsite restoration, enhancement, and conservation of sensitive habitat on the project site, as detailed in the FEIR, has received formal approval from both the California Department of Fish and Wildlife and the United States Fish and Wildlife Services.

Figure 7: Habitat Area

Grading/Geotechnical: The proposed RDA project would develop an approximately 6.33-acre pad with an overall area of disturbance of 10.87 acres. The total impact area includes grading for manufactured slopes around the perimeter of the pad area that are needed to support the proposed RDA project. Geotechnical studies prepared for the proposed RDA project indicate undocumented fill underlies the northern and western portions of the site. The northern fill areas are associated with a berm that was graded to control water flow in Loma Alta Creek and support the existing NCTD rail line. Such fill material is not considered suitable for the proposed RDA project and requires remedial grading. The preliminary grading plans prepared for the RDA project estimates earthwork quantities of 142,360 cubic yards of raw cut and 135,740 cubic yards of fill, resulting in an excess of 6,620 yards of material which would be placed on other portions the project site. Export of graded material is not anticipated as part of the proposed project.

As detailed in the Geotechnical Report (Attachment 5 to the Planning Commission Staff Report which is appended to this staff report) prepared for the proposed RDA project, the project site's existing soil and geologic conditions do not preclude the proposed development as long as the recommendations regarding remedial grading, shallow foundations, concrete slab-on-grade, concrete flatwork, pavement and retaining walls are implemented during design and construction. The proposed RDA project has been conditioned to comply with all geotechnical recommendations made in the above-mentioned report.

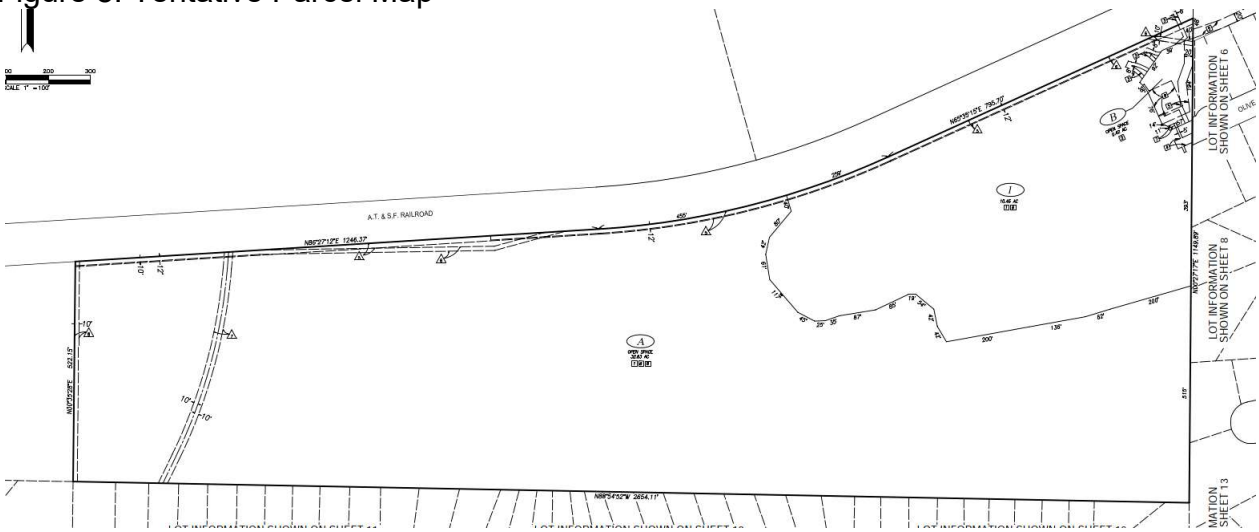
Neighboring property owners have expressed concern with the stability of the site and prior landslides. The Engineering Division has reviewed the proposed RDA project plans and geotechnical reports prepared for the site and have determined the project is consistent with applicable engineering standards and code requirements.

Tentative Parcel Map (P24-00002) represents a request to subdivide the existing parcel into three

separate parcels as shown in Figure 8:

- **Parcel 1:** 10.45 acres (Development pad area and manufactured slopes to support pad area)
- **Parcel A:** 32.63 acres (Conservation Easement area)
- **Parcel B:** 0.42 acres (Public open space and pedestrian connection to College Boulevard Sprinter Station)

Figure 8: Tentative Parcel Map



Density Bonus (DB24-00001) represents a request to construct a 100 percent affordable housing project consisting of 199 residential units. Pursuant to SDBL, the housing project is reserving 20 percent of the units (40 units) for moderate-income households and 80 percent of the units for lower income households (157 units) and on-site property managers or maintenance staff (2 units). Therefore, the project qualifies for all the provisions associated with SDBL.

SDBL entitles projects to certain incentives or concessions and also provides for waivers from development standards that would physically preclude the project at the density proposed. The granting of waivers does not reduce the number of incentives allowed on a project, and the number of waivers that may be requested and granted is unlimited. In accordance with SDBL, a City cannot deny or condition the project or otherwise deny a requested incentive/concession or waiver unless findings are made that of a "specific adverse impact" which is defined as "*a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete"* that cannot otherwise be mitigated. Additionally, the City may deny a requested incentive/concession only if the City makes findings based on substantial evidence that the incentive/concession requested does not result in significant cost reductions that provide for the production of the affordable units; or otherwise violate state or federal law.

Pursuant to SDBL, by reserving 100 percent of the project units as affordable, the project is entitled to four incentives/concessions. The applicant has requested the following two concessions for this project:

Incentive/Concession No. 1: A request to reduce the usable open space area, resulting in identifiable and significant cost reduction of $5,358,375.

Incentive/Concession No. 2: A request to waive the Hillside Development Regulations pertaining to building design, building wall offsets, and roof plane area, resulting in identifiable and significant cost reduction of $11,578,179.

The applicant has provided "reasonable documentation" in the form of a cost analysis (Attachment 6 to the Planning Commission Staff Report which is appended to this staff report), for each requested incentive/concession that details the identifiable cost reductions to provide for affordable housing costs. Staff has evaluated the requested incentives/concessions and determined that a specific adverse impact would not result by granting the requested concessions to the applicant and that the incentives/concessions do provide identifiable cost reductions that significantly contribute to the production of the affordable units

In order to accommodate the RDA project as proposed and as allowed under SDBL, the project cannot physically comply with all applicable development standards for the Single-Family Residential (RS) Zone. The applicant has thus requested and provided sufficient documentation to support waivers from the following development standards pursuant to SDBL:

1. Building type (allow Multiple Unit Structure)
2. Maximum retaining wall height
3. Plantable wall requirements
4. Hillside development regulations (manufactured slopes, hillside grading, and topographical features)

The following table is provided to outline development standards applicable to the proposed RDA project and to identify the standards proposed to be waived as a part of the Density Bonus application:

Table 2: Development Standards

DEVELOPMENT STANDARD	REGULATION PER OCEANSIDE ZONING ORDINANCE	PROPOSED RDA PROJECT	NOTES
Maximum Density	9.9du/acre (Per General Plan Land Use designation MDA-R)	5.77du/acre	Complies with Code.
Multiple Unit Structure (MUS) Building Type	Not Permitted	Two Multiple Unit Structures (MUS)	Waiver
Minimum Area	6,000 sf	43.50 acres (1,895,731 sf)	Complies with Code
Maximum Lot Coverage	45%	3.04%	Complies with Code
Building Setbacks: Front Side Corner Side Rear	20' (min) 7.5'(min) 10' (min) 15' (min)	F: 125' S: 115' CS: N/A R: 2,011'	Complies with Code
Courts	Minimum depth shall be one-half the height of the opposite wall but not less than 18 feet opposite a living room and 12 feet opposite a required window for any other habitable room.	~ 58' (Bldg. 1) ~57'5" (Bldg. 2)	Complies with Code

Maximum Height	36’	50’	Per SDBL project, allowed an additional 33’ since located within ½ mile of transit stop. Complies with SDBL
Usable Open Space	300 sf/unit	179 sf/unit	Incentive/Concession
Site Landscaping	Minimum 50% required yard adjoining street	~85%	Includes Conservation Easement Area and open space area at property entrance. Complies with Code
Maximum Height Fences and Walls	6’	~33’	Waiver
Planted Visible Retaining Walls	Any wall over 4’ shall be a plantable wall	Non-planted retaining wall	Waiver
Parking	No parking required	382 spaces	Per SDBL 100% affordable projects located within ½ mile of a major transit stop are not required to provide parking. Complies with SDBL
Renewable Energy Facilities	Residential projects with 25 or more units shall install and maintain renewable energy facilities that supply at least 50% of forecasted electricity demand	Photo-voltaic system would be installed on each building to meet 50% of forecasted electricity demand	Complies with Code
Electric Vehicle Parking	No EV parking required	96 spaces EV Ready 38 spaces EV Capable 20 spaces EV Installed	Per SDBL 100% affordable projects located within ½ mile of a major transit stop are not required to provide parking. Complies with SDBL.
Urban Forestry	Tree Canopy: Minimum 12% Site Area	Tree Canopy: 20% of project impact area	Does not include conservation easement area. Complies with Code
	Permeable Surface Area: Minimum 22% Site Area	Permeable Surface Area: 23% project impact area	Does not include conservation easement area. Complies with Code

Hillside Development Regulations	Manufactured Slope: No manufactured slope shall exceed 30 feet in height, nor 400 feet in length	Manufactured slopes designed around perimeter of pad area exceed 400 feet in length and extend up to 60’ in height. Retaining wall along north boundary varies up to 33’ in height & approximately 890’ feet in length.	Waiver
	Grading Limitations: The amount of hillside grading shall be limited to 7,500 cubic yards or less (Larger of total cut or fill volume divided by total graded area)	142,360 cubic yards cut / 10.87 acres (limits of impact) = 13,097 cy/ac	
	Topographical Features: Lands considered to possess significant natural topographical features, as defined by this Section and Section 1.24 of the Land Use Element, shall be preserved and integrated into project designs.	Project is located on small areas of +20% slopes greater than 50’ in elevation differential, but avoids more significant steep slopes of 40% & greater than 25’ in elevation differential	
	Building Design: Conventional flatland building styles should be avoided on portions of any site with slopes of 20% or greater unless approved by the Planning Commission in conjunction with an HD.	Project is located on small areas of +20% slopes greater than 25’ in elevation differential, but avoids more significant steep slopes of 40% & greater than 25’ in elevation differential.	Incentive/Concession

	Visible Bulk: No visible portion of a structure shall exceed 40' in length measured parallel to the surface of the structure, unless there is an off-set of 4 feet or more in depth and 6 feet or more in width. No roof plane shall exceed 600 square feet in area, measured parallel to the roof plane, and a change in pitch of 3 in 12 or greater, or a vertical offset of 2 feet or more shall separate each roof plane. The area of an offset roof plane or change in pitch satisfying this standard for a change in roof plane shall not be less than 150 square feet.	Project design incorporates many design elements, variations and offsets in wall planes to reduce visible bulk, but does not meet the 4' minimum depth requirement noted here for the entire building facades. Project design incorporates many design elements and variations in roof planes to reduce visible bulk: multiple gable roof sections; elevation off-sets; etc. However, as an affordable multi-family project, flat roof areas are incorporated which cannot meet these criteria. Such roof areas are not visible from ground level viewpoints.	

**SDBL: State Density Bonus Law*

The proposed RDA project has been reviewed for compliance with the General Plan, Subdivision Ordinance, Zoning Ordinance, and CEQA. A detailed analysis of the proposed project's compliance with such policy documents is contained in the Planning Commission Staff Report which is appended to this staff report

Planning Commission Consideration

The proposed RDA project was considered by the Planning Commission at its regular meeting on January 27, 2025. After presentations from staff and the applicant and receiving testimony from the public, the Planning Commission voted to certify the EIR and approve the proposed RDA project 6-0 (one Commissioner absent) through adoption of Resolution No. 2025-P03 (Attachment 2, Exhibit "A") and Resolution No. 2025-P02 (Attachment 2, Exhibit "B").

Appeal of Planning Commission Project Approval

On February 6, 2025, the City received a timely appeal of the Planning Commission's approval of the RDA project from "Mira Costa Neighbors for Responsible Development." Pursuant to Section 4605 (C) of the Zoning Ordinance, the City Council may consider only the issues that were raised in the appeal filed with the City. The following is a summary of the Appellant's issues, as understood by staff, for filing the appeal of the Planning Commission's decision to approve the project. For ease of reference, staff has grouped the issues listed by the Appellant into categories/topic areas. Each identified category/topic area for filing the appeal is followed by the issues raised in the appeal and a response from staff. The Appellant's letter of appeal, which includes the full text of each issue, has been included as Attachment 3 for the City Council's reference.

Issue 1: Baseline Traffic

- 1.1: "The EIR Uses Overstated Traffic Volumes Creating a False Baseline That Invalidates the

Impact Assessment"

- 1.2: "The City Failed to Verify the Accuracy of the Traffic Data, Violating CEQA's Substantial Evidence Standard"
- 1.4/2.4: "The City's Dismissal of Independently Verified Traffic Counts as "Anecdotal Evidence Violates CEQA's Public Comment and Response Requirements"
- 2.2: "The EIR's Traffic Analysis Fails to Use Substantial Evidence"
- 3.2: "The EIR Incorporates Inflated Baseline Traffic Counts, Leading to a Systemic Underestimation of Project-Related Noise Impacts"

For Issue 1, the Appellant contends that the Final Environmental Impact Report (FEIR) overstates the amount of baseline traffic on Olive Drive west of College Boulevard and at the intersection of Olive Drive and Bradley, the City failed to verify the accuracy of the data provided, a new traffic study should be prepared, and the City dismissed traffic data provided by Megan Ley.

City Response: *The baseline traffic information was collected using reputable methods to gather and report existing traffic data. City Traffic Engineering staff evaluated the information provided and did not find the traffic counts to be irregular. Additionally, the data was reviewed by independent sources (such as Counts Unlimited and LOS Engineering) and no errors were observed. The LTS was completed by a licensed traffic engineer with 33 years of experience. Counts Unlimited has been retained by the City to perform traffic counts in the past and has been in business for more than 30 years. Further, the LTS was reviewed and approved by City Traffic Engineering staff and the data and conclusions within the traffic study were found to be consistent with the City's traffic guidelines. The traffic count numbers submitted by the Appellant were not performed in accordance with accepted industry protocols by a person or firm with the requisite experience or expertise required to conduct a reliable traffic study.*

Staff recommends the City Council find that the Appellant has not provided a sufficient basis to warrant overturning the Planning Commission's decision to approve the proposed RDA project and certify the EIR.

Issue 2: Traffic Generation

- 0.1: "Deficient Data and Misrepresentation of Alternatives Render EIR Legally Inadequate"
- 2.1: "The EIR's Reliance on Institute of Transportation Engineer's (ITE) Trip Generation Data is Legally Deficient"
- 2.3: "The EIR's Failure to Justify its Departure from Regional Consistency in Traffic Analysis"
- 5.5: "Failure to Integrate Transit Passes Undermines the Project's Transit-Oriented Development Goals"

For Issue 2, the Appellant contends the City improperly relies on the ITE trip generation data to calculate Level of Service (LOS), and the use of ITE invalidates the FEIR. The Appellant states the City should have relied on information from the Bureau of Transportation Statistics of the U.S. Department of Transportation (BTS).

City Response: *The City's adopted traffic guidelines authorize the use of ITE Trip Generation rates. ITE is a recognized and reliable resource used by jurisdictions throughout the county, state, and country. BTS does not provide trip generation rates, which is why the BTS is not listed as an acceptable source for trip generation rates in the City's adopted traffic guidelines. The City's adopted*

traffic guidelines recognize both SANDAG and ITE trip generation rates and the trip generation rates from the ITE Trip Generation Manual may be used with approval from the City Traffic Engineer. The City Traffic Engineer approved use of ITE trip generation rates for the proposed project. Further, City staff consistently uses ITE trip generation rates for developments as the SANDAG rates are outdated and no longer identified on the SANDAG website as a resource.

The ITE Trip Generation handbook, 3rd Edition states that local data should be used when local circumstances indicate a project may have different trip-making characteristics than identified in the ITE category. ITE identifies criteria for determining whether an individual project is qualified to use a specific trip generation rate category. The proposed RDA project met all the ITE qualifying criteria for using the trip generation rate of a Multi-Family Mid Rise Close to Rail Transit as the RDA project is 1) less than ½ mile from a rail transit station (as well as 5 bus routes that also serve the Sprinter College Blvd Station), and 2) a mid-rise development of 4 stories. Neither the ITE trip generation rate criteria, nor adopted City or State regulations, require that developments like the proposed RDA project provide residents with transit passes. The proposed RDA project is consistent with the City's goals for new transit-oriented development without providing transit passes due to its provision of 199 affordable units, direct connection to the Sprinter station, ready access to bus service, and proximity to commercial services. Additionally, although not required for the proposed RDA project, the applicant has agreed to include a Transportation Demand Management (TDM) program. Staff recommends the inclusion of a Condition of Approval (COA) regarding the TDM program that includes the following provisions: an assigned TDM program staff coordinator, an annual report to be submitted to the City, unbundled parking, an information packet to residents providing links to alternative transportation options, a bike share program, and transit pass subsidies. If City Council directs staff to include the TDM COA, the resolution of approval for the proposed RDA project would be revised to incorporate the TDM provisions listed above as an enforceable condition on the proposed RDA project.

The ITE rates used in the FEIR are more current and considered superior for evaluating projects like the proposed RDA project that are located in proximity to a rail line. The ITE's daily trip rate methodology relied on analysis from 11 different data points, whereas the SANDAG numbers are based on only 3 data points. The City's trip generation rate methodology is also similar to most other jurisdictions in the region. For example, the County's 2022 Traffic Guidelines allow use of a variety of sources including ITE and SANDAG. Regarding ITE, the County Guidelines state "The Trip Generation Manual provides average trip generation rates for a wide variety of land-use categories that is a nationally recognized transportation planning data source and industry standard."

Furthermore, pursuant to CEQA, Vehicle Miles Traveled (VMT) is the proper metric for analyzing the significance of transportation impacts, not LOS. The State has rejected use of LOS in favor of VMT for CEQA purposes as VMT helps describe the environmental consequences of land use and transportation network decisions while LOS describes traffic operation effects (e.g. automobile delay). Moreover, CEQA Guidelines Section 15064.3 states "a project's effect on automobile delay shall not constitute a significant environmental impact." Additionally, the FEIR included the LTS for the larger original project, which would generate greater than 30% more trips than the proposed RDA.

Staff recommends the City Council find that the Appellant has not provided a sufficient basis to warrant overturning the Planning Commission's decision to approve the proposed RDA project and certify the EIR.

Issue 3: Cumulative Traffic

- 6.1: "Failure to Include College Boulevard Widening in Cumulative Impacts Analysis"

For Issue 3, the Appellant asserts that the FEIR's cumulative noise and traffic impact analyses should have included the proposed College Boulevard Widening Project.

City Response: *The FEIR included an analysis of cumulative impacts that could result from the combined effect of past, present, and future projects located in proximity to the proposed RDA project site. The proposed College Boulevard Widening Project is included in the EIR's 2050 cumulative impact analysis, which utilized the most up to date traffic projections the City developed for the build out condition in the General Plan Update (GPU). The traffic projections for the GPU build out condition analysis includes the proposed College Boulevard Widening Project.*

Consistent with the City's traffic guidelines, the EIR also analyzed a near term condition. Consistent with established City methodology, that scenario analyzes conditions and projects that would be in place at the anticipated time of the development project's occupancy. The proposed College Boulevard Widening Project was not included in the RDA's near-term scenario. The proposed RDA project is anticipated to be operational in late 2027. The proposed College Boulevard Widening Project has yet to be fully designed and construction funding has not been identified. Even assuming construction funding is secured, the absolute earliest physical construction would commence on the College Boulevard Widening Project is Spring 2027. Staff anticipates construction to take approximately 36 months, resulting in a completion date no earlier than Spring 2030, provided that all construction funding is timely secured. Thus, given the timing for completion is more than two years after the occupancy completion of the proposed RDA project, the proposed College Boulevard Widening Project was properly excluded from the near term CEQA analysis.

Staff recommends the City Council find that the Appellant has not provided a sufficient basis to warrant overturning the Planning Commission's decision to approve the proposed RDA project and certify the EIR.

Issue 4: Bikes and Safety

- 7.1: "Traffic Safety and Bicycle Infrastructure Deficiencies"

For Issue 4, the Appellant asserts that the proposed RDA project needs to implement traffic-calming measures and bicycle infrastructure improvements on Olive Drive to comply with City policies.

City Response: *Traffic and bicycle safety impacts have been analyzed and accounted for in the FEIR Appendices I1 and I2, and in Section 4.15 Transportation. That analysis demonstrates that the proposed RDA project would not have significant traffic impacts to pedestrian or bicyclists. It should also be noted that the proposed RDA project would connect to the bicycle network from the project site along Olive Drive to College Boulevard, and that the proposed RDA project would provide a new all-weather pedestrian and bicycle path connection to the College Boulevard Sprinter Station, which also leads to Class II bicycle lanes that exist on Oceanside Boulevard.*

The FEIR's analysis demonstrates that under current, near term, and buildout scenarios, the segments of Olive Drive west of College Boulevard would not exceed its operational capacity as an

unclassified and collector street.

The FEIR complies with the City's traffic guidelines requiring an analysis of "pedestrian and bicycle infrastructure available including any opportunities or deficiencies" as well as a "discussion of what is planned based on City and regional documentation." This analysis, which demonstrates that no pedestrian or bike infrastructure deficiencies would exist upon completion of the proposed RDA project, is included as Appendix I2 of the EIR.

The FEIR and associated LTS demonstrate that the project is consistent with applicable General Plan and Bike Master Plan objectives and policies.

Staff recommends the City Council find that the Appellant has not provided a sufficient basis to warrant overturning the Planning Commission's decision to approve the proposed RDA project and certify the EIR.

Issue 5: Emergency Vehicle Access (EVA) Road

- 4.1: "Fire Safety Code Misapplication"
- 4.4: "Selective and Arbitrary Fire Code Interpretation"

For Issue 5, the Appellant contends that City staff misapplied the California Fire Code (CFC) and that the proposed RDA project is required to provide a secondary access road per CFC D106 and D107.

City Response: *The plans for the proposed RDA project were thoroughly reviewed by the OFD for compliance with the CFC. The language in section D106 applies to multiple-family residential developments while D107 is for one- or two-family residential developments. For purposes of applying the applicable requirements, the CFC does not consider the number of units on nearby properties that are not part of the proposed development. Section D107, which only applies to one-or-two family residential projects, does not apply to the proposed RDA project. Appendix D106 is the applicable CFC section to apply to the proposed RDA project, and the proposed RDA project complies with the provisions of Section D106.*

The intent of a single access road for Appendix D106 acknowledges the effectiveness of fire sprinklers in slowing the growth of fires and people leaving if there is a fire within the building. The Appendix within the fire code does not relate to wildfire evacuations.

CALFIRE does not issue an interpretation for sections of the CFC they do not adopt. The International Code Council provides a commentary on section D106.1 which explains the allowance of one single access point relates to the evidence showing the effectiveness of fire sprinklers in multi-family developments like the proposed RDA project.

Per the State Fire Marshal and the Local Responsibility Area Fire Hazard Severity Zones Map released on March 24, 2025, the property is not designated as a Very High Fire Severity Zone. Secondary access is required for projects located in the Very High Fire Zone that propose developments exceeding 30 units in accordance with the Public Resource Code 4290.5. Since the proposed RDA project is not located in a Very High Fire Severity Zone, the requirement for secondary access does not apply.

Staff recommends the City Council find that the Appellant has not provided any basis to warrant overturning the Planning Commission's decision to approve the proposed RDA project and certify the EIR.

Issue 6: Fire Risk Maps

- 4.2: “Failure to Consider Climate Change and Wildfire Risk”
- 4.6: “Failure to Account for High Fire Risk Classification Under FRAP”
- 4.7: “Omission of Required Wildfire Impact Analysis Due to Outdated Fire Maps

For Issue 6, the Appellant asserts the FEIR analysis is based on outdated fire maps and that the City must delay approval of the RDA project until the updated CalFire maps are published and an updated wildfire analysis has been conducted.

City Response: *The analysis conducted for the proposed RDA project did not rely on outdated maps. The California State Fire Marshal periodically conducts a wildfire analysis that considers fuel load, topography, fire weather, and other relevant factors including where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread. The Appeal assumed that the State Fire Marshal would designate the project site as being within a Very High Fire Severity Zone. Per the State Fire Marshal and the Local Responsibility Area Fire Hazard Severity Zones Map released on March 24, 2025, the property is not designated as a Very High Fire Severity Zone. The RDA project has been conditioned to meet state and city laws pertaining to the applicable CFC regulations for the designated zone for the project site identified on the maps released on March 24, 2025.*

The Fire Resource and Assessment Program (FRAP) mentioned in the draft EIR for the GPU, and referenced in the Appeal, is not intended to determine and classify properties in the moderate, high, or very high severity zones for purposes of applying the CFC requirements. The FRAP map has since been removed from the State Hazard Mitigation Plan as the map was found to be misapplied. Per the Government Code Section 51178, the California State Fire Marshal shall identify all areas as moderate, high, and very high severity zones while local agencies shall adopt the map in accordance with Government Code Section 51179. As noted, since the Appeal was filed, the State Fire Marshall maps for the City have been released and the project site is not designated as being within a Very High Fire Severity zone.

From a CEQA perspective, Appendix G of the CEQA Guidelines identifies the environmental issues that require analysis. With respect to the “Wildfire” category, this analysis is only required for projects “located in or near lands classified as very high fire severity zones.” Thus, the FEIR was not required to provide a Wildfire Impact Analysis under CEQA because the property is not located on land designated as a Very High Fire Severity Zone. Nonetheless, the FEIR includes a CEQA compliant wildfire analysis in Section 4.18. That analysis, which included the consideration of project features, legal requirements, slopes, prevailing winds, and other factors that could exacerbate wildfire risks, demonstrates that the proposed RDA project would have less than significant wildfire impacts.

Staff recommends the City Council find that the Appellant has not provided a sufficient basis to warrant overturning the Planning Commission’s decision to approve the proposed RDA project and certify the EIR.

Issue 7: Evacuation Study

- 4.3: “Inadequate Evacuation Planning and Emergency Access Deficiencies”
- 4.5: “Traffic and Emergency Response Delays”

For Issue 7, the Appellant contends the FEIR fails to adequately address emergency access issues and the City should require a fire evacuation study to be prepared.

City Response: *As a component of the "Hazards" analysis, Appendix G to the State CEQA Guidelines requires an analysis of whether a project would "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan." Pursuant to CEQA, the FEIR included that analysis, which demonstrates that the proposed RDA project would result in a less than significant impact. The FEIR evaluated the proposed project's compliance with adopted plans, including the County and City Emergency Operations Plans. The Appeal focuses on levels of service and a misapplication of the law in support of this issue. As disclosed in the FEIR and the applicable, adopted evacuation planning documents, during emergency evacuation events, law enforcement and OFD would coordinate and control the circulation system to efficiently evacuate those who requiring evacuation. The proposed RDA project would not require the full closure of any public or private streets or roadways during construction or operations and would not impede access of emergency vehicles to the project site or any surrounding areas. Further, the proposed RDA project would provide all required emergency access in accordance with, and in satisfaction of, all other requirements of the OFD and the CFC, as applicable to the proposed RDA project.*

Furthermore, as previously stated, the Local Responsibility Area Fire Hazard Severity Zones Map released on March 24, 2025 does not designate the project site as an area designated as a Very High Fire Severity Zone. Therefore, the FEIR included all the required emergency response, emergency evacuation and wildfire related analysis; no basis exists for requiring additional analysis such as a fire evacuation study.

Staff recommends the City Council find that the Appellant has not provided a sufficient basis to warrant overturning the Planning Commission's decision to approve the proposed RDA project and certify the EIR.

Issue 8: Alternate Access

- 0.1: "Deficient Data and Misrepresentation of Alternatives Render EIR Legally Inadequate"
- 5.1: "Failure to Adequately Analyze Feasible Ingress/Egress Alternatives in Violation of CEQA"
- 5.3: "Misrepresentation of CPUC Approval Process for Railroad Crossing"
- 5.4: "Economic Feasibility Claims Lack Substantiation"

For Issue 8, the Appellant alleges that the applicant dismissed feasible alternative access routes, failed to comply with CEQA's requirements for evaluating alternatives, and provided misleading information regarding alternative access to the site.

City Response: *Pursuant to CEQA Guidelines Section 15126.6, an "EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would also avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." In accordance with this provision of CEQA, the Draft EIR included an analysis of three project alternatives: No Project (No Build) Alternative, Reduced Density Alternative, and Reduced Footprint Alternative. The FEIR complies with CEQA's requirement for evaluating a reasonable range of feasible alternatives.*

Neither CEQA nor any other regulation requires the City or developer to consider alternatives to a component of a project or alternatives for the proposed project's less than significant impacts. The alternative access proposed by the Appeal is both a project component and it is not addressing any established, significant project impact under CEQA. No requirement exists for the developer or City

to reject as infeasible the alternative access proposed by the Appeal. The FEIR demonstrates that implementation of mitigation measures would reduce impacts to a less-than significant level for all identified environmental topic areas. No infeasibility finding, whether based on financial, policy, technical, or other standards, and no further technical nor economic analysis or investigations with the California Public Utility Commission, NCTD, private property owners, wildlife agencies, or others are required under CEQA.

Nonetheless, the record reflects that the property has the legal right to use Olive Drive for ingress and egress. As part of the Final Map approval for the College Park Estates Unit No. 8, which includes the project site, a 1-foot strip of Olive Drive was granted on the project site to the City of Oceanside. Through this 1-foot strip connection, access to and from the project site from Olive Drive was designed and implemented with the original subdivision map and evidences the legal, direct access to public right-of-way provided for the project site. Accessing the property from the north would also require acquisition of private and public property, disturb sensitive habitat, and disrupt NCTD transit operations. Furthermore, as the traffic study attached to the FEIR demonstrates, the Olive Drive roadway segment used to access the project site has more than sufficient capacity to accommodate the proposed project, existing traffic conditions, and cumulative projects. Thus, an additional or new access driveway is not needed or required for the proposed RDA project.

Staff recommends the City Council find that the Appellant has not provided a sufficient basis to warrant overturning the Planning Commission's decision to approve the proposed RDA project and certify the EIR.

Issue 9: Noise

- 1.2: "The City Failed to Verify the Accuracy of the Traffic Data, Violating CEQA's Substantial Evidence Standard"
- 1.3: "The EIR's Overstated Traffic Baseline Leads to an Inaccurate Noise Impact Analysis"
- 3.1: "The EIR Relies on Noise Measurements Conducted Under Atypically High Humidity and Wet Pavement Conditions, Violating CEQA Requirements for an Accurate Environmental Baseline"
- 3.2: "The EIR Incorporates Inflated Baseline Traffic Counts, Leading to a Systematic Underestimation of Project-Related Noise Impacts"
- 3.3: "The EIR Fails to Properly Access Cumulative Noise Impacts, Omitting Construction and Post-Construction Traffic Contributions in Violation of CEQA"
- 3.4: "The EIR Uses an Unsubstantial Noise Threshold of 65 dBA CNEL for Residential Areas Contrary to the City's Municipal Code"
- 3.5: "Inadequate Consideration of Noise Impacts on Sensitive Receptors"
- 6.1: "Failure to Include College Boulevard Widening in Cumulative Impact Analysis"

For Issue 9, the Appellant claims that a new noise study is required because the baseline noise studies are inaccurate, the FEIR used inflated baseline traffic, the cumulative analysis in the EIR is not accurate, proximity to sensitive receptors was not analyzed, and the wrong noise thresholds were used.

City Response: *CEQA Guidelines Section 15125(a) specifies that the environmental setting should include a discussion of the "baseline physical conditions." The FEIR discloses the baseline noise measurements in satisfaction of that requirement. However, under the significant thresholds used by*

the City, those baseline noise measurements do not have a bearing on the determination of whether the project contributes to a significant noise impact. Oceanside City Code Sections 38.12 and 38.16, as well as the other applicable significance criteria identified in the FEIR, require an analysis of a project's ability to meet or exceed the identified noise standards. As baseline (or ambient) noise levels at the property do not exceed any of the applicable regulatory standards and because of the residential nature of the proposed RDA project, the relevant regulatory noise limits for the proposed project are absolute limits that do not require consideration of the measured baseline sound levels.

The Appeal's noise argument relies on the claim that traffic counts are shown to be without merit in the above response regarding Issue 2. As explained in response to Issue 3, anticipated traffic conditions associated with the proposed College Boulevard Widening Project is included in the year 2050 buildout scenario. The noise analysis prepared for the proposed project was based on the FEIR's traffic projections. Moreover, the proposed College Boulevard Widening Project was evaluated as part of the FEIR's cumulative noise analysis.

An experienced acoustic engineer evaluated the substantive validity of the Appellant's argument about wet pavement and high humidity and it was also adequately addressed in the FEIR's responses to comments. The opinion offered about humidity in the Appeal are based on a misunderstanding of the science of noise propagation as it relates to the RDA and the studies cited in the Appeal. For example, the supporting resource cited in the Appeal is a marketing document with no references to scientific studies that offers only equivocal statements not applicable to an infill development like the proposed RDA project. Similarly, the Caltrans' Traffic Noise Analysis Protocol cited in the Appeal solely applies to an evaluation of a transportation project not an infill residential development like the proposed RDA project.

Under City standards, a noise impact due to transportation noise is potentially significant if predicted traffic noise levels exceeded the City's 65 dBA CNEL standard for exterior levels at single-family homes. Different standards apply to traffic noise and operational noise. The FEIR applied the correct thresholds of significance and properly discloses that the RDA impacts are less than significant. The Appellant's arguments are misapplied to the two separate standards for traffic noise and operational noise.

The Appellant asserts that any 5-dBA increase in transportation noise would constitute a significant impact. However, CEQA Guidelines Section 15064.7 does not specify a +5-dBA threshold as the comment suggests, nor is that the standard specified by the City. From a technical noise analysis perspective, the Appeal is also mistaken as a 5 dBA increase only marks the level of perceptibility. A perceptible noise level increase of 5 dBA or more does not automatically equate to a significant impact.

As disclosed in the Final EIR, using the City's applicable threshold of significance for traffic noise, the original project and RDA would have less than significant impacts. That analysis took into consideration the City's 65 dBA CNEL standard for exterior levels at single-family homes as well as the magnitude and corresponding significance of the original project and RDA's contribution to traffic noise levels. The Appellant's argument focuses on traffic noise along Olive Drive west of College Blvd, but it bears noting that the original project traffic noise contributions in other areas would not exceed a 0.1 dBA increase, a level far below the 3 dBA increase required for a barely perceptible change in audibility. For the segments of Olive Drive west of College Blvd, traffic noise levels without the project are low because current traffic levels are low and so the original project's contribution of

traffic would be expected to be perceptible. However, even with the addition of the original project traffic, the maximum noise levels on all segments of Olive Drive west of College Blvd remain approximately 10 dBA CNEL below the City's 65 dBA CNEL significance threshold. Given the way noise levels work, noise 10 dBA CNEL lower than the 65 dBA CNEL threshold means the noise will be perceived as half as loud as the maximum permissible sound levels. Thus, even in the 2050 General Plan Buildout scenario with the original project, the original project's traffic noise level contributions will be less than significant as the area's noise levels will be approximately half of the City's specified 65 dBA CNEL threshold. Further, with the addition of the original project at both the project completion date and under the 2050 General Plan buildout scenario, the number of trips along the segments of Olive Drive west of College Blvd will remain far below the City designated capacity for those roadway segments. That roadway capacity perspective supports the less than significant impact traffic noise determination for the original project's perceptible contribution of traffic noise as the total amount of traffic that will generate noise is within expectations for the community based on the City designated roadway capacity allowances. Finally, the RDA will contribute over 30% fewer trips than the original project, thus with the RDA's contribution of traffic noise, the maximum noise levels on all segments of Olive Drive west of College Blvd will be less than half as loud as the maximum permissible sound levels.

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The Appellant incorrectly asserts that the FEIR's construction noise analysis failed to comply with applicable standard and methodologies. The FEIR's analysis used the proper methodologies and complies with current applicable industry standards. The FEIR utilized Federal Transportation Agency (FTA) guidance as it relates to modeling construction noise impacts. That guidance, which was also used for the GPU DEIR referenced in the Appeal, provides for modeling noise generated by three pieces of construction equipment operating simultaneously at the center of the particular project's construction site. The FEIR performed an even more conservative analysis than specified in the FTA guidance. The FEIR evaluated the loudest piece of construction equipment at five feet from the property line closest to the adjacent homes and all other equipment operating at the center of the RDA's construction site. In other words, the FEIR placed the loudest piece of construction equipment much closer to the homes, therefore producing higher construction noise levels than required by the FTA guidance. Even at those elevated levels, the FEIR demonstrates that proposed RDA project's construction noise impacts would be considered less than significant.

The modeling also conservatively did not use topographical or structural (e.g. existing residences) shielding that exists to reduce the identified project generated construction noise levels. Even using that conservative analysis, the modeling shows that the proposed RDA project's construction noise levels at the property line of the adjacent homes does not exceed the significance threshold of 80 dBA Leq over an 8-hour period. The daycare operation located at 4015 Olive Drive mentioned in the Appeal is 65 to 70 feet farther away from the project's construction area than the closest sensitive, residential receptors. As sound levels diminish with distance and intervening obstacles like structures and topography, under the principles of sound propagation noise levels generated by construction of the proposed project at the farther away day care facility would also not exceed the applicable threshold of significance.

The Appellant also argues that the FEIR should have combined construction traffic noise with operational traffic noise when disclosing noise impacts. With respect to the proposed RDA project approved by the Planning Commission and under consideration by the City Council on appeal, that argument lacks merit. The proposed RDA project construction would be completed in one phase.

Thus, all construction traffic noise would cease before project operational traffic noise commences. There is no potential for combined traffic noise impacts from construction and operations for the proposed RDA project. Further, the FEIR (including Section 4.11, Appendix H and the Responses to Comments) addresses the issue of construction traffic noise. That analysis, utilizing existing traffic counts and projected construction traffic, demonstrates that the noise level along Olive Drive would not exceed 52 dBA CNEL. That noise level is at least 13 dBA CNEL below the significance threshold of 65 dBA CNEL that applies to transportation-generated noise.

Staff recommends the City Council find that the Appellant has not provided a sufficient basis to warrant overturning the Planning Commission's decision to approve the proposed RDA project and certify the EIR.

Issue 10: Affordability

- 8.1: "Discrepancies in Affordable Housing Commitments and Funding Justification"

For Issue 10, the Appellant claims the applicant should submit a revised affordability plan since the number of total units has changed from 282 units to 199 units. The Appellant claims this reduction in units misrepresents the basis upon which the NOFA funding was awarded.

City Response: *The proposed RDA project complies with the provisions of SDBL, specifically Section 65915(b)(1)(g) because 100 percent of the units, exclusive of the two units set aside for onsite managers, would be reserved for households earning no greater than 120 percent of the area median income (40 units) and low-income households earning no greater than 80 percent area median income (157 units).*

The original NOFA proposal for the project site was for Phase 1 (which included 172 affordable units) of the original project. The award funding was based on that number of units. The proposed RDA project includes 199 units; therefore, the City would receive more affordable housing units, not a reduction in affordable housing units, from NOFA awarded funding. Additionally, the NOFA award is governed by loan documents, which delineate the required affordability and all other requirements of the NOFA. In order for the proposed RDA project to utilize the NOFA award, the Applicant would be required to execute loan documents in accordance with all applicable requirements of the NOFA award.

Staff recommends the City Council find that the Appellant has not provided any basis to warrant overturning the Planning Commission's decision to approve the proposed RDA project and certify the EIR.

Issue 11: EIR Response to Comments

- 9.1: "Failure to Provide Meaningful Responses to Public Comments in Violation of CEQA"

For Issue 11, the Appellant claims that the EIR fails to provide meaningful responses to public comments in violation of CEQA.

City Response: *Pursuant to CEQA Guidelines Section 15088 (Evaluation of and Response to Comments), "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response" and "there must be good*

faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment." Consistent with CEQA, the FEIR's Response to Comments provided the required good faith response to comments supported by the requisite evidence and explanation when the underlying comment addressed a potentially significant environmental issue in more than a general manner or based on more than speculation and/or unsubstantiated opinion. CEQA does not require responses to comments to be exhaustive and those responses were evaluated in the context of the environmental document as a whole. A response to comment may permissibly refer to information contained in supporting documents. A response need not accept the commenter's assumptions regarding substantial CEQA topics as long as the response includes some explanation for the basis of disagreement. Furthermore, an EIR need not provide all information a reviewer requests, when, looked at as a whole, the CEQA documentation reflects a good faith effort at full disclosure.

Staff recommends the City Council find that the Appellant has not provided a sufficient basis to warrant overturning the Planning Commission's decision to approve the proposed RDA project and certify the EIR.

As previously stated, pursuant to Section 4605(C) of the Zoning Ordinance, the City Council may consider only the issues that were raised in the appeal filed with the City. The extensive analysis provided above clearly demonstrates that the Appellant has not provided any basis to warrant overturning the Planning Commission's approval of the proposed RDA project.

FISCAL IMPACT

None.

COMMISSION OR COMMITTEE REPORT

The Planning Commission considered the proposed RDA project on January 27, 2025. During the public hearing, the Planning Commission received testimony from the applicant and the public and, voted 6-0 (one Commissioner absent) to certify the EIR and approve the proposed RDA project by adopting Resolution No. 2025-P02 and Resolution No. 2025-P03.

CITY ATTORNEY'S ANALYSIS

The City Council is authorized to hold a public hearing on this matter. Consideration of the matter should be based on the testimony and evidence presented at the hearing based on the same application, plans, and related project materials that were the subject of the original decision and the issue(s) raised by the appeal. After conducting the public hearing, the Council shall affirm, modify or deny the project. The supporting documents have been reviewed and approved as to form by the City Attorney.

Prepared by: Shannon Vitale, Senior Planner
Reviewed by: Darlene Nicandro, Development Services Director
Submitted by: Jonathan Borrego, City Manager

ATTACHMENTS:

1. Staff Report
2. City Council Resolution (including Planning Commission Resolution Nos. 2025-P03 and 2025-P02 certifying the FEIR and approving the Project)
3. Letter of Appeal from Mira Costa Neighbors for Responsible Development
4. Planning Commission Staff Report Packet from January 27, 2025