

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA CERTIFYING AN ENVIRONMENTAL IMPACT REPORT AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OCEANSIDE TRANSIT CENTER REDEVELOPMENT PROJECT FOR THE OCEANSIDE TRANSIT CENTER REDEVELOPMENT PROJECT

APPLICATION NO: GPA22-00002, RZA22-00001, LCPA22-00004, T22-00006, D22-00016, RC22-00011
APPLICANT: TOLL BROTHERS APARTMENT LIVING
LOCATION: 235 SOUTH TREMONT STREET (APNs 150-046-17-00, -046-01-00 through -046-08-00, -043-01-00 through -043-04-00, -043-05-00, and -043-06-00)

THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DO RESOLVE AS FOLLOWS:

WHEREAS, applicant Toll Brothers Apartment Living filed a verified petition on forms prescribed by the Planning Division for approval of a General Plan Amendment, Zone Amendment, Local Coastal Program Amendment, Vesting Tentative Map, Development Plan, and Regular Coastal Permit under the provisions of Articles 40, 43, and 45 of the Zoning Ordinance and Article VII of the Subdivision Ordinance of the City of Oceanside to permit the approval of the Oceanside Transit Center (OTC) Specific Plan to allow for the redevelopment of the OTC into a mixed-use project with a modern intermodal transit facility and associated amenities and site improvements as set forth in the project description (the OTC Redevelopment Project); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) of 1970, and State Guidelines thereto; an Environmental Impact Report (EIR) (SCH No. 2023010231) was prepared for the OTC Redevelopment Project; and

WHEREAS, the Draft Environmental Impact Report (DEIR) was circulated for a 45-day public and agency review from September 4, 2024 to October 18, 2024, and proper notification was given in accordance with CEQA; and

1 WHEREAS, following the close of the public comment period on the DEIR, a
2 Final Environmental Impact Report (FEIR) was prepared for the OTC Redevelopment
3 Project; and

4 WHEREAS, following the consideration of all applicable testimony and evidence
5 and deliberation, the Planning Commission, by a 4-1-1 vote, did on the 23rd day of June
6 2025 adopt Resolution No. 2025-P15 recommending City Council certification of the
7 FEIR and adoption of the Findings of Fact, and Mitigation Monitoring and Reporting
8 Program (MMRP) and approval of the OTC Redevelopment Project; and

9 WHEREAS, following the consideration of all applicable testimony and evidence
10 and deliberation, the Downtown Advisory Committee, by a 5-0 vote, did on the 20th day
11 of August 2025 recommend CDC certification of the FEIR and adoption of the Findings
12 of Fact, and MMRP and approval of the OTC Redevelopment Project; and

13 WHEREAS, the City Council and Community Development Commission (CDC)
14 did on the 7th day of October 2025 conduct a duly advertised joint public hearing on the
15 content of the FEIR, Findings of Fact, and MMRP for the OTC Redevelopment Project;
16 and

17 WHEREAS, studies and investigations made by this City Council and CDC and
18 on its behalf reveal the following facts:

19 For the Final EIR:

- 20 1. The FEIR, Findings of Fact, and MMRP for the OTC Redevelopment Project was
21 completed in compliance with the provisions of CEQA.
- 22 2. There are certain significant environmental effects detailed in the FEIR and
23 MMRP which have been avoided or substantially lessened by measures detailed
24 in Exhibit "A" Findings of Fact (FINDINGS) and Exhibit "B" MMRP.
- 25 3. The FEIR, Findings of Fact, and MMRP for the OTC Redevelopment Project were
26 presented jointly to the City Council and CDC, and the City Council and CDC
27 reviewed and considered the information contained in these documents prior to
28 making a decision on the project.

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1 4. The FEIR, Findings of Fact, and MMRP for the OTC Redevelopment Project have
2 been determined to be accurate and adequate documents, which reflect the
3 independent judgment of the City.

4 NOW, THEREFORE, BE IT RESOLVED as follows:

5 1. The City Council and CDC do hereby certify the Final Environmental Impact
6 Report (SCH No. 2023010231) for the Oceanside Transit Center (OTC)
7 Redevelopment Project.

8 2. Pursuant to Public Resources Code Section 21081, the City Council and CDC do
9 hereby adopt Exhibit "A" (FINDINGS) for the OTC Redevelopment Project.

10 3. Pursuant to Public Resources Code Section 21081.6, the City Council and
11 Community Development Commission do hereby adopt the MMRP (Exhibit "B")
12 for the OTC Redevelopment Project, and find that the MMRP meets the
13 requirements for of Public Resources Code Section 21081 by providing for the
14 implementation and monitoring of measures intended to mitigate potentially
15 significant effects of the OTC Redevelopment Project and is designed to ensure
16 compliance with the established mitigation measures throughout the
17 implementation of the project.

18 4. Notice is hereby given that the time within which judicial review must be sought
19 on this decision is governed by Code of Civil Procedure Section 1094.6(b) as set
20 forth in Oceanside City Code Section 1.10 and Public Resources Code Section
21 21167.

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2 PASSED AND ADOPTED by the City Council and Community Development
3 Commission of the City of Oceanside, California this 7th day of October, 2025 by the
4 following vote:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

9
10 _____
11 Mayor/Community Development Commission
12 Chair of the City of Oceanside

13 ATTEST:

14 APPROVED AS TO FORM:
15 OFFICE OF THE CITY ATTORNEY

16 _____
17 City Clerk/Community Development
18 Commission Secretary

19 _____
20 City Attorney/CDC General Counsel

EXHIBIT A

CEQA FINDINGS OF FACT FOR THE OCEANSIDE TRANSIT CENTER REDEVELOPMENT ENVIRONMENTAL IMPACT REPORT

State Clearinghouse No. 2023010231

I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of a project pursuant to Sections 15091 of the *CEQA Guidelines* and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA.

The lead agency is responsible for the adequacy and objectivity of the EIR. The City of Oceanside, as lead agency, has subjected the Draft EIR and Final EIR to the agency's own review and analysis.

A. PROJECT SUMMARY

Project Location

The City of Oceanside (City) is located in the northern portion of San Diego County, just south of Orange County. The community consists of a harbor and beaches located along four miles of the Pacific Ocean. Surrounding areas include Marine Corps Base Camp Pendleton to the north, the City of Vista to the east, the City of Carlsbad to the south, and the Pacific Ocean to the west.

The project site is located at the existing North County Transit District's (NCTD's) Oceanside Transit Center at 235 South Tremont Street, in the southeastern portion of the downtown core of the city. The site is approximately 10.15 acres, situated at Assessor's Parcel Numbers (APNs) 150-046-17-00, -046-01-00 through -046-08-00, -043-01-00 through -043-04-00, -043-05-00, and -043-06-00. The project site is surrounded by a mix of commercial, retail, and residential land uses, with mixed-use, hospitality, and commercial retail and entertainment uses (including the Regal Oceanside Cinema) to the north, low-density residential and commercial uses to the east, low-to-moderate density residential uses to the south, and the Amtrak Pacific Surfliner rail line right-of-way and residential uses to the west. The project site is bounded by railroad right-of-way to the west, Seagaze Drive to the north, South Tremont Street to the east, and Missouri Avenue to the south. Local access is provided via Seagaze Drive, South Tremont Street, and Missouri Avenue. Regional access to the site is provided via Interstate 5 (I-5), Mission Avenue, and Coast Highway.

Project Description

The project proposal includes a General Plan Amendment (GPA), Zone Amendment (ZA), approval of a Specific Plan (Oceanside Transit Center Specific Plan), Local Coastal Program Amendment (LCPA), Regular Coastal Development Permit (RC), Development Plan, and Vesting Tentative Tract Map to allow the demolition of existing structures and construction of a mixed-use transit-oriented community with office, retail, hotel, transit, community facilities, and multi-family residential uses, as well as public and private open space and associated parking and landscaping.

The project would construct up to 849,495 gross square feet of development, with an additional 336,545 gross square feet devoted to above-grade parking and 396,799 gross square feet for



below-grade parking, supplying up to 1,768 parking stalls. On-site development would include the following:

- Two mixed-use buildings would accommodate a total of 588,322 square feet of residential use, including 547 new residential apartment units. Market and affordable units would range in size from studios to 3 bedrooms, with resident-focused amenities to include generous courtyards and upper floor decks. Fifteen percent of the apartments (approximately 82 units) would be designated as affordable units. Pursuant to the requirements of the City of Oceanside's Inclusionary Housing Ordinance [Chapter 14C of the *Oceanside Municipal Code* (Municipal Code)] that specifies at least ten (10) percent of units shall be reserved for low-income residents as defined by the ordinance. As such, the project would reserve at least 55 units for low-income residents pursuant to the Municipal Code. The remaining 27 affordable housing units would be reserved for moderate-income residents.
- A 160,656-square foot, 170-room boutique hotel would incorporate amenity decks, including a pool deck, as well as private balconies with ocean views for west-facing guestrooms;
- A modern 59,133-square foot NCTD Headquarters building would replace the general administration office located at 810 South Mission Avenue and the NCTD offices currently located on the project site. The new building would allow for consolidation of NCTD facilities and operations, while on-site placement of the building would afford the NCTD direct oversight of the station operations;
- A series of transit improvements, in addition to the NCTD Headquarters building, would enhance the user experience, increase transit use, and emphasize improved intermodal connectivity. These improvements would include a 7,427-square-foot modern intermodal transportation center, comprised of a 3,124-square-foot NCTD Customer Service Building, 1,692-square-foot Amtrak Customer Service Center located within the NCTD Headquarters building envelope, 1,033-square-foot Bus Operator Building, as well as safe and efficient bus circulation improvements, 12 commuter bus stalls and bus layover space, and public restrooms. Moreover, transit facilities and improvements would be located to better facilitate the transfer between bus and train services;
- Commercial/retail and food and beverage services would total 29,196 square feet and allow for uses such as an art studio, bar and cocktail lounge, brewery/winery, convenience market, restaurants, health club and spa, and commercial recreation and entertainment;
- Proposed parking facilities, up to 1,768 parking stalls for public and private use, would provide replacement parking for the two public parking lots currently serving weekday commuters, as well as sufficient parking to meet the needs of all other uses and activities on-site. The above-grade garage would provide the majority of the public parking. To the extent feasible, shared parking would be promoted to reduce the overall parking requirement and support the project's transit orientation. Additionally, the project would provide secured bicycle parking facilities;
- A new 1,942 square-foot community room within the southwest corner of the parking garage, at the ground level. The community room would operate similarly to the community rooms within the Oceanside Public Library branches; the room would be open



to the public on a reservation basis, and accommodate various events, meetings, workshops, and other community gatherings. The community room would have a maximum capacity of 100 people, operate between the hours of 7 a.m. to 10 p.m., seven days a week, and be managed by the City of Oceanside. Visitors of the community room would have access to the public parking spaces within the garage, and pedestrian access would be provided along Cleveland Street and Topeka Street. The community room would complement the other proposed community amenity spaces on-site, such as the Station Plaza, and would contribute to the project objective of creating a destination that enriches the quality of life for on-site occupants and the community-at-large; and

- A proposed public Station Plaza would function as the active hub of the project, providing convenience and comfort for waiting transit riders and commuters, while also accommodating various community-based events of modest scale, such as seasonal events, passive art installations and street musician performances, subject to the terms and conditions as stated in NCTD Ordinance 3, Section 2.6, *Commercial Activities, Solicitation, and Expressive Activities*. The plaza would feature a high level of amenities, including patterned hardscape, native landscape materials, decorative lighting, seating areas, and public art. Moreover, various streetscape enhancements and pedestrian amenities would promote walkability and improve pedestrian connections.

Oceanside Transit Center Specific Plan

The Specific Plan is intended as a regulatory tool used to implement the City's General Plan and direct development within a defined geographic area. While the General Plan is the primary vehicle to guide city-wide growth and development, the Specific Plan customizes the development goals and objectives, as well as the land use regulations for a defined area, consistent with the City's vision for the property, the surrounding context, and the distinct characteristics of the property.

The Specific Plan designation supports the mixture of uses and density of residential living that are critical to achieving the vision of a model transit-oriented development that extends the activity of downtown and promotes ongoing revitalization of the coastal area. The Specific Plan would serve both planning and regulatory functions including land use regulations, circulation patterns, public facilities/infrastructure, and development standards. All future development within the Specific Plan area would be subject to compliance with the Specific Plan regulations, as well as other applicable City regulations.

Land Use Plan and Development Standards

The land use framework supports transit-oriented development, recognizing the site's function as a regional transit hub, and emphasizing mixed-use development that incorporates a significant residential component to promote transit ridership. Land use distribution and programming respond to site adjacencies, with commercial functions located toward the north in proximity to the downtown core, and an emphasis on residential use occupying the southern portion of the site in response to nearby residences. For phasing and programming purposes, the project has divided the site into three private and four public blocks as follows:

- Block 1 – Hotel/Hospitality (1.10 acres):
 - 170-room boutique hotel and amenities



- 12,806 square feet of retail/food and beverage
 - Up to 177 above and below-grade parking stalls
- Block 2 – Parking and Community Room (0.72 acre):
 - Up to 801-stall commercial, office, and commuter parking garage
 - 1,942 square-foot community room
- Block 3 – Mixed-Use/Residential (2.03 acres):
 - 250 residential apartment units and associated amenities
 - 16,390 square feet of retail/food and beverage
 - Up to 381 above and below-grade parking stalls
- Block 4 – Mixed-Use/Residential (1.85 acres):
 - 297 residential apartment units and associated amenities
 - Up to 409 above and below-grade parking stalls
- Block 5 – NCTD Bus Station Site (1.37 acres):
 - Bus station
 - 1,033-square foot Bus Operator Building
 - Public restrooms
 - Bus ingress/egress modifications
- Block 6 – Station Plaza (0.31 acres)
 - 3,124-square foot NCTD Customer Service Building
 - Public restrooms
- Block 7 – Commercial/Office (0.71 acre)
 - 59,133-square foot NCTD Headquarters office building
 - 1,692-square foot Amtrak Customer Service Center
- Approximately 2.06 acres would become dedicated public right-of-way.

Urban Design Plan

The urban design framework reinforces the sense of place, relying on building intensity and mass to properly contain public outdoor space and frame exceptional ocean views, while responding to surrounding conditions with an appropriately scaled village concept that draws inspiration from the character and identity of the coastal environment. The public realm is of special importance, highlighted by enhanced streetscapes and the integration of accessible outdoor gathering space.

Buildings would be located and massed to contain public outdoor space and to especially create a consistent street edge. The design promotes street-level activation through integration of retail and community amenity space along Cleveland Street. Additionally, the main residential lobbies are located



along Tremont Street and feature clearly marked entrances and transparent windows, while there are a select number of residential stoop units along the side streets. Neighborhood safety and security are enhanced through activated sidewalks and an “eyes on the street” approach that orients residential porches, balconies, and windows toward public and communal outdoor space. Streetscape and outdoor public spaces incorporate amenities that support pedestrian comfort and help enrich and activate these spaces, including canopy trees, site furnishings, and special paving.

The scale of development is intended to be compatible with the downtown environment and nearby development, with building heights not to exceed six (6) stories (up to 90 feet in height). The layout and design would incorporate proper transitions in scale to nearby residential development, including articulated building facades that break down the building mass. Such features as porches, balconies, and shading devices would further reduce scale and mass and communicate a residential character. The development plan takes advantage of the east-west topographic differential to provide parking in subterranean facilities, thereby reducing the apparent scale and mass of buildings.

A consistent architectural language would be incorporated to ensure that buildings relate to one another yet accommodate variations according to building program and use. A modern design language is expressed in features such as clean lines and deep eaves and balconies, creating a dramatic play of light and shadow and accentuating the strong, horizontal line of the exterior building architecture. High quality materials and finishes would be used consistently, appropriate to the coastal setting and the overall character of the project. A sign program is included in Specific Plan Appendix A, offering more detailed location and design proposals for public signage, art, and environmental graphics, as well as tenant sign criteria.

B. PROJECT OBJECTIVES

The project objectives are outlined below:

- Promote economic development of the coastal zone, while enhancing livability and walkability by accommodating a compatible mixture of uses that extends the activity of the downtown core into the planning area.
- Support public transit through transit-oriented development that integrates updated transit facilities and other mobility improvements that would increase ridership and enhance the user experience.
- Improve connectivity and in particular build stronger linkages between downtown and the residential neighborhoods to the south of the site.
- Deliver benefits to the public by increasing the available housing supply, including the provision of affordable units, while providing for amenities that create a destination and enrich the quality of life for on-site occupants and the community-at-large.
- Provide adequate infrastructure and public services to support the proposed development.
- Increase off-site storm drain capacity to serve the project site and immediately downstream area along Cleveland Street (to Wisconsin Avenue) to reduce localized flooding conditions in the public right-of-way.
- Ensure compatibility with surrounding land uses and improve the character of the surrounding community.



- Achieve a high standard of design through application of development standards and design guidelines that support mixed-use development typologies and promote effective placemaking.
- Accommodate phased development of the project with sufficient flexibility in the plan and accompanying development criteria to afford minor modifications in program and design due to a change in conditions.

C. ENVIRONMENTAL REVIEW PROCESS

The Final EIR includes the Draft EIR (dated September 2024); clarification of modifications to the proposed project since the Draft EIR; written comments received during the Draft EIR public review period; written responses to those comments; an Errata; and a Mitigation Monitoring and Reporting Program (State Clearinghouse No. 2023010231) (hereinafter referred to collectively as the Final EIR). In conformance with CEQA and the *CEQA Guidelines*, the City conducted an extensive environmental review of the proposed project. The following is a summary of the City's environmental review process:

- Pursuant to *CEQA Guidelines* Section 15082, as amended, the City circulated a Notice of Preparation (NOP) to public agencies and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse and posted at the San Diego Clerk's office on January 13, 2023, with the 30-day review period beginning on January 13, 2023 and ending on February 13, 2023. Copies of the NOP were made available for public review at the City of Oceanside and the Civic Center Library.
- A public scoping meeting was held on February 1, 2023 at the City of Oceanside Civic Center Library Community Rooms.
- A Draft EIR was prepared and distributed for a 45-day public review period beginning September 4, 2024 through October 18, 2024. A Notice of Availability (NOA) was submitted to the State Clearinghouse, sent to public agencies and interested persons and organizations, and posted at the San Diego County Clerk's office on September 4, 2024. Copies of the Draft EIR were made available for public review at the City of Oceanside Planning Division counter, City of Oceanside Civic Center Library, City of Oceanside Mission Branch Library, and on the City's website. A Final EIR was prepared, which included comment letters received on the Draft EIR, responses to those comment letters, an errata, and a Mitigation Monitoring and Reporting Program. The Final EIR was released for a minimum 10-day agency review period prior to certification of the Final EIR.
- Public hearings on the proposed project were held, including a Planning Commission hearing on June 23, 2025 and a City Council hearing on _____.

D. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project includes, but is not limited to, the following documents and other evidence:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed project;
- The Draft EIR and the Final EIR for the proposed project;



- All written comment letters submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR;
- All responses to written comment letters submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR;
- All clarifications and modifications to the Draft Environmental Impact Report (Draft EIR), all of which do not affect the overall conclusions of the environmental document and are not considered to result in any new or substantially greater significant impacts as compared to those identified in the Draft EIR;
- All written and verbal public testimony presented during noticed public hearing(s) for the proposed project;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR;
- The Resolutions adopted by the Planning Commission in connection with the proposed project, and all documents incorporated by reference therein;
- Matters of common knowledge to the City, including but not limited to Federal, State, and local laws and regulations; and
- Any documents expressly cited in these Findings.

E. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the record of proceedings for the City's actions related to the Oceanside Transit Center Redevelopment are located at the City of Oceanside Planning Division, 300 North Coast Highway, Oceanside, CA 92054. The City's Director of Development Services Department, Planning Division is the custodian of the record of proceedings for the Final EIR. Copies of these documents, which constitute the record of proceedings are, and at all relevant times have been and will be, available upon request at the offices of the City of Oceanside Planning Division. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e).

F. INDEPENDENT JUDGMENT AND FINDING

The City selected and retained Michael Baker International (Michael Baker) to prepare the EIR. Michael Baker prepared the EIR under the supervision and direction of the City. All findings set forth herein are based on substantial evidence in the record, as indicated, with respect to each specific finding.

Finding:

The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3), directing the consultant in the preparation of the EIR. The City has independently



reviewed and analyzed the EIR and finds that the report reflects the independent judgment of the City.

The Planning Commission has considered all the evidence presented in its consideration of the proposed project and the EIR, including, but not limited to, the Final EIR, written and oral evidence presented at hearings on the project, and written evidence submitted to the City by individuals, organizations, agencies, and other entities. On the basis of such evidence, the Planning Commission finds that with respect to each environmental impact identified in the review process, the impact: (1) is less than significant and would not require mitigation, (2) is potentially significant but would be avoided or reduced to a less than significant level by implementation of identified mitigation measures, or (3) would be significant and not fully mitigatable but would be, to the extent feasible, lessened by implementation of identified mitigation measures. No impacts would be significant and unavoidable. Therefore, no Statement of Overriding Considerations as described in CEQA Guidelines Section 15093 is required.

II. FINDINGS AND FACTS

The City of Oceanside, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft EIR and Final EIR.

Specifically, regarding findings, *CEQA Guidelines* Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made



a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in *CEQA Guidelines* Section 15091(a)(1) may include a wide variety of measures or actions as set forth in *CEQA Guidelines* Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

A. FORMAT

This section summarizes the significant environmental impacts of the proposed project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed in an effort to reduce the remaining significant environmental impacts.

The remainder of this section is divided into the following subsections:

- **Section B, Findings on Impacts Determined to Be Less Than Significant**, presents the impacts of the proposed project that were determined in the EIR to be less than significant without the addition of mitigation measures and presents the rationales for these determinations.
- **Section C, Findings on Impacts Mitigated to Less Than Significant**, presents potentially significant impacts of the proposed project that were identified in the Final EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program that would reduce such impacts to less than significant levels, and the rationales for the findings.
- **Section D, Findings on Significant Unavoidable Impacts**, presents potentially significant impacts of the proposed project that were identified in the Final EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program that would reduce impacts, the findings for significant unavoidable impacts, and the rationales for the findings.
- **Section E, Findings on Recirculation**, presents the reasoning as to why recirculation is not required under *CEQA Guidelines* Section 15088.5.



- **Section F, Findings on Project Alternatives**, presents alternatives to the project and evaluates them in relation to the findings set forth in *CEQA Guidelines* Section 15091(a)(3), which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, legal, social, technological, or other considerations. This section also identifies the environmentally superior alternative.

B. FINDINGS ON IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

Consistent with *CEQA Guidelines* Sections 15126.2 and 15128, the EIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental effects. *CEQA Guidelines* Section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or as a “less than significant impact.”

Finding:

The City finds that based on substantial evidence in the record, the following potential impacts, to the extent they result from the proposed project, would be less than significant, or would have no impact, and would not require mitigation.

1. Aesthetics/Light and Glare

Project implementation would not have a substantial adverse impact on a scenic vista.

Project implementation would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

Implementation of the proposed project would not conflict with applicable zoning and other regulations governing scenic quality.

Implementation of the proposed project would not create a new source of substantial light or glare, which could adversely affect day or nighttime views in the area.

The project combined with other cumulative projects would not have a substantial adverse impact on a scenic vista.

The project combined with other cumulative projects would not conflict with applicable zoning and other regulations governing scenic quality.

The project combined with other cumulative projects would not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

2. Agriculture and Forestry Resources

Project implementation would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.



Project implementation would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use.

Implementation of the project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

3. Air Quality

Implementation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan.

Implementation of the proposed project would not result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable Federal or State ambient air quality standard.

The proposed project would not result in localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations.

The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Implementation of the proposed project and other related cumulative projects would not conflict with or obstruct implementation of the applicable air quality plan.

Short-term construction activities associated with the proposed project and other related cumulative projects, would not result in increased air pollutant emission impacts or expose sensitive receptors to increased pollutant concentrations.

Implementation of the proposed project and other related cumulative projects would not result in increased impacts pertaining to operational air emissions.

Implementation of the proposed project and related projects would not result in cumulatively considerable carbon monoxide hotspot impacts.



4. Biological Resources

Project implementation would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

The project would not have a substantial adverse effect on State or Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Project implementation, in conjunction with cumulative development, would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

The project, in conjunction with cumulative development, would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

5. Energy

The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

The project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Implementation of the project and other cumulative projects would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

6. Geology and Soils

This project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42.



Project implementation would not expose people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Project implementation would not expose people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.

The project would not directly or indirectly cause potential substantial adverse effects, including the risk, injury, or death involving landslides.

Project implementation would not result in substantial soil erosion or loss of topsoil.

The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

A sewer system is available for disposal of project generated wastewater and, as such, no impacts would result from having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

7. Greenhouse Gas Emissions

The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

The project would not generate greenhouse gas emissions that would have a significant impact on global climate change or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The project and other related cumulative projects would not generate greenhouse gas emissions that would have a significant impact on global climate change or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

8. Hazards and Hazardous Materials

Project implementation would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.



The project is located outside of an airport land use plan and is not located within the vicinity of a private airstrip or within two miles of a public airport and, as such, would not result in a safety hazard or excessive noise for people residing or working in the project area.

Project implementation would not expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.

9. Hydrology and Water Quality

The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Project implementation would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: Result in substantial erosion, siltation, or flooding on- or off-site.

The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: Impede or redirect flood flows.

The project is not located in flood hazard, tsunami, or seiche zones, and as such, would not risk release of pollutants due to project inundation.

The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

The proposed project, combined with other related cumulative projects, would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

The proposed project, combined with other related cumulative projects, would not substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.

The proposed project, combined with other related cumulative projects, would not create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff or impede or redirect flood flows.



The proposed project, combined with other related cumulative projects, would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

The proposed project, combined with other related cumulative projects, would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

10. Land Use and Relevant Planning

The project would not physically divide an established community.

The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The proposed project, combined with other related projects, would not conflict with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

11. Mineral Resources

Project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

Project implementation would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

12. Noise

The project would not generate a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The project is not located within the vicinity of a private airstrip or an airport land use plan or where such a plan has been adopted, within two miles of a public airport or public use airport, and would not expose people residing or working in the project area to excessive noise levels.

The proposed project would not result in a significant cumulatively considerable increase in traffic and long-term stationary ambient noise levels.

13. Population and Housing

The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

The project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.



The proposed project, combined with other related projects, would not result in cumulatively considerable impacts related to substantial unplanned population growth.

14. Public Services and Recreation

Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: Fire Protection Services.

Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: Schools.

Project implementation would not result in the need for additional parks and recreational facilities and/or the increased use of existing neighborhood and regional parks such that substantial physical deterioration could occur or be accelerated. Project implementation would not result in the construction of parks and recreational facilities that could have an adverse physical effect on the environment.

Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: Public Libraries.

The project, combined with other cumulative projects, would not create increased demand for fire protection services that would cause significant environmental impacts.

The project, combined with other cumulative projects, would not create increased demand for school services that would cause significant environmental impacts.

The project combined with other cumulative projects would not create increased demand for parks that would cause significant environmental impacts.

The project combined with other cumulative projects would not create increased demand for other public facilities that would cause significant environmental impacts.

15. Transportation

Project implementation would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.



Project implementation would not conflict or be inconsistent with *CEQA Guidelines* Section 15064.3, subdivision (b).

Project implementation would not substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

The project, combined with other related projects, would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

The project, combined with other related projects, would not conflict nor be inconsistent with *CEQA Guidelines* Section 15064.3, subdivision (b).

The project, combined with other related projects, would not substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

16. Utilities and Service Systems

The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

The project would comply with Federal, State, and local management and reduction statutes and regulations related to solid waste.

The project, combined with other cumulative projects, would not create increased demand for water facilities that would cause significant environmental impacts.

The project, combined with other cumulative projects, would not create increased demand for wastewater facilities that would cause significant environmental impacts.

The project, combined with other cumulative projects, would not create increased demand for stormwater drainage facilities that would cause significant environmental impacts.

The project, combined with other cumulative projects, would not create increased demand for solid waste generation that would cause significant environmental impacts.



17. Wildfire

Project implementation would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Due to slope, prevailing winds, or other factors, project implementation would not exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Project implementation would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

C. FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes the potential impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft EIR, these potential impacts would be reduced to less than significant levels.

1. Biological Resources

BIO-2 The project could interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery site.

Applicable Threshold of Significance: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.3, *Biological Resources*, and in particular, on pages 5.3-13 and 5.3-14 of the Draft EIR.

Habitat linkages provide links between larger habitat areas that are separated by development. Wildlife corridors are like linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are key features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.



The project site is not located within any wildlife corridors. The project site is surrounded by developed land on all sides, with minimal to no opportunities for movement of wildlife. Further, the closest wildlife corridor is approximately 0.75 mile to the northwest along the San Luis Rey River; however, the San Luis Rey River is separated from the project site by extensive development. Wildlife movement into or out of the project site is reduced by the lack of any connectivity to open space areas, by the presence of surrounding high-traffic roadways and an adjacent rail line, and existing residential developments. Additionally, elevated noise levels, vehicle traffic, lighting, and human presence associated with the surrounding residential and commercial developments and roadways decrease the suitability of the project site to be used as a wildlife movement corridor or linkage.

Further, the Migratory Bird Treaty Act (MBTA) governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. The proposed project could affect raptors or migratory birds which are protected pursuant to the MBTA and California Fish and Game Code (CFGF). To reduce potential impacts to raptors and migratory birds, Mitigation Measure BIO-1 requires the development of an educational pamphlet for the identification of raptor nests and to guide tree pruning activities during the breeding season. Mitigation Measure BIO-2 requires a pre-construction clearance survey to determine the presence or absence of nesting birds within the construction area. If nesting birds are detected by a City-approved biologist, the following buffers must be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest; and 2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). With implementation of Mitigation Measures BIO-1 and BIO-2, the proposed project would not result in significant impacts to migratory birds. As such, impacts would be less than significant in this regard.

Mitigation Measures:

- BIO-1** The project Applicant shall develop an educational pamphlet (in English and Spanish) for the identification of raptor nests and to guide tree pruning activities in suburban areas during the breeding season. Landscaping companies and tree trimming services that have projects in the City shall be required to use the pamphlet to educate their employees on the recognition of raptor nest trees. Trimming of trees containing raptor or migrating bird nests shall be prohibited during the raptor breeding season (January 15 to August 31).
- BIO-2** Migratory Bird and Raptor Nest Buffers. To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat shall occur outside of the breeding season (January 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the Applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and Federally or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest, and 2) no work within



500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project Applicant shall contact the City and wildlife agencies (i.e., California Department of Fish and Wildlife and U.S. Fish and Wildlife Service) to determine the appropriate buffer.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

BIO-4 The project could conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

Applicable Threshold of Significance: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.3, *Biological Resources*, and in particular, on pages 5.3-15 through 5.3-17 of the Draft EIR.

The project site is located within the *San Diego Multiple Habitat Conservation Program* (MHCP), a regional conservation plan established to protect sensitive species and habitats in northwestern San Diego County by the San Diego Association of Governments. Each jurisdiction that is a signatory to the MHCP implements the program through their respective subarea plan. As such, the following analysis evaluates the project's consistency with the MHCP, Habitat Management Plan (HMP), and *Oceanside Subarea Plan* (Oceanside SAP).

MHCP CONSISTENCY

The MHCP established several areas where conservation of habitat or species is required. To demonstrate compliance with the MHCP, the project must be outside of these conservation areas or would be required to meet certain mitigation requirements. Based on the Biological Resources Report, the project is not located within the MHCP's Biological Core and Linkage Area (BCLA; generally equivalent to Focused Planned Areas (FPAs) that are implemented by participating cities); the Coastal California Gnatcatcher "core area"; or natural habitats, wetlands, or habitats that could support either narrow endemic species and/or wetland obligate species. The only covered species that is expected to occur is Cooper's hawk, which has a high potential to forage within the project site, particularly where there are large open areas where birds (prey) may be found, such as in open areas of the NCTD



parking lots. However, Cooper's hawk is not expected to nest on-site given the lack of nesting habitat. MHCP Volume II Table 2-1 describes percent conservation requirements for impacts to narrow endemic, wetland obligate, and "all other" species both inside and outside of the FPA. "All other" species are presumed to include remaining covered species that are not narrow endemic or wetland obligate. Based on MHCP Volume II Table 2-1, the MHCP does not require any percent conservation for loss of on-site habitat, which qualifies as "nonhabitat (developed, disturbed, or agriculture)" and has a zero percent conservation requirement within the MHCP, or for Cooper's hawk, as the project site is not located within the FPA. As such, the proposed project is considered to be in compliance with the MHCP and no mitigation is required.

HMP CONSISTENCY ANALYSIS

The HMP established several areas where conservation and coverage for HMP-listed species is required. These areas include eight core FPAs that are connected to one another and to habitat areas outside the City by a variety of linkages and wildlife movement corridors. FPAs identified by the HMP are located in the southern portion of Oceanside. Specifically, the FPA for Core 1, approximately 206 acres in area, consists of Buena Vista Lagoon and adjoining wetland and upland habitats in northwest Carlsbad. Core 1 is connected to Core 2 via Buena Vista Creek, which is partially outside of Carlsbad in the City of Oceanside. The FPA for Core 2 is located in the northeastern portion of Carlsbad and is approximately 352 acres in area. Core 2 has linkages to Core 3 (Linkage Area A), Core 4 (Linkage Area B), and the City of Oceanside. Dispersing gnatcatchers moving between Carlsbad and Oceanside must utilize this Core. Coastal sage scrub patches supply breeding habitat for the species, and the riparian habitats may help facilitate dispersal and winter foraging by the species.

The project site is not located within any identified FPAs described above. Therefore, HMP-specific avoidance measures would not apply to the proposed project.

OCEANSIDE SAP CONSISTENCY ANALYSIS

As introduced above, the Oceanside SAP is a draft document that is considered to be a part of the approved MHCP. Although not formally adopted by the City, the draft Oceanside SAP is acknowledged by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) as the City's implementing tool for instituting policies in accordance with the MHCP. Generally, compliance with the Oceanside SAP would support compliance with the MHCP. Much of the Oceanside planning area is divided into planning zones, each of which contain their own development standards. These include the FPA, which is composed of both hardline and softline preserves, gnatcatcher dispersal corridors, the Wildlife Corridor Planning Zone, the Agricultural Exclusion Zone, the Offsite Mitigation Zone, and the Pre-approved Mitigation Areas.

The project is not located within any of the designated planning zones described above. Therefore, zone-specific avoidance measures would not apply to the proposed project. The project occurs entirely on urban/developed lands with no naturally occurring vegetation or vegetation communities and no wetlands or jurisdictional waters. Therefore, the project would not require any additional mitigation or avoidance measures other than those listed below, which are required under the Oceanside SAP for all projects that may impact biological resources. This list has been modified from the full list of avoidance measures (referred to as "Project Implementation Guidelines" in the Oceanside SAP) required under Section 5.2.8 of the Oceanside SAP and only represents those that are anticipated to apply to this project. The applicable Project Implementation Guidelines are identified as mitigation



measures in this EIR. Specifically, to reduce potential impacts to raptors and migratory birds, Mitigation Measure BIO-1 requires the project Applicant to develop an educational pamphlet for the identification of raptor nests and to guide tree pruning activities during the breeding season. Mitigation Measure BIO-2 requires a pre-construction clearance survey to determine the presence or absence of nesting birds within the construction area. Mitigation Measure BIO-3 requires watering on-site to avoid and minimize fugitive dust off-site during construction activities. Additionally, Mitigation Measure BIO-4 requires construction-related activities, vehicles, equipment, and materials be fenced within the project's development footprint and all debris and food-related trash items be enclosed within sealed containers. Further, Mitigation Measure BIO-4 prohibits the disposal or temporary placement of excess fill, brush, or other debris within waters of the U.S. or their banks. Lastly, all equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities must occur in designated areas outside of waters of the U.S. within the project's development footprint. Upon implementation of Mitigation Measures BIO-1 through BIO-4, the project would comply with the Oceanside SAP. Overall, the project would be consistent with the MHCP and Oceanside SAP and impacts would be less than significant.

Mitigation Measures:

- BIO-1 The project Applicant shall develop an educational pamphlet (in English and Spanish) for the identification of raptor nests and to guide tree pruning activities in suburban areas during the breeding season. Landscaping companies and tree trimming services that have projects in the City shall be required to use the pamphlet to educate their employees on the recognition of raptor nest trees. Trimming of trees containing raptor or migrating bird nests shall be prohibited during the raptor breeding season (January 15 to August 31).
- BIO-2 Migratory Bird and Raptor Nest Buffers. To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat shall occur outside of the breeding season (January 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the Applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and Federally or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest, and 2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project Applicant shall contact the City and wildlife agencies (i.e., California Department of Fish and Wildlife and U.S. Fish and Wildlife Service) to determine the appropriate buffer.
- BIO-3 During project construction, the project Applicant shall ensure that impacts from fugitive dust be avoided and minimized through watering and other appropriate dust control



measures. Fugitive dust reduction measures to be implemented shall be specific on the project plans for City verification.

BIO-4 Prior to issuance of grading permits, the Applicant shall ensure that the following conditions are implemented during project construction:

- Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;
- To avoid attracting predators of covered species, the project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site; and
- Pets of construction employee personnel shall not be allowed on the project site.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

CUMULATIVE The project, in conjunction with cumulative projects, could result in cumulatively considerable impacts to the movement or native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.3, *Biological Resources*, and in particular, on page 5.3-18 of the Draft EIR.

The City is largely built out with relatively little land available for new development. As a result, the cumulative development projects identified in Draft EIR Table 4-1, *Cumulative Projects List*, primarily consist of infill development and would result in development similar to what currently exists in the surrounding vicinity. Additionally, the City would review site-specific impacts associated with migratory birds and wildlife corridors. Further, cumulative development would be reviewed against applicable General Plan policies.

As discussed above, the project site would not be suitable for use as a wildlife movement corridor or linkage. Additionally, implementation of Mitigation Measure BIO-1 would require the development of an educational pamphlet by the project Applicant for the identification of raptor nests and to guide tree pruning activities during the breeding season. Mitigation Measure BIO-2 would require pre-construction clearance surveys be conducted during the breeding season to determine the presence or absence of nesting birds. With implementation of Mitigation Measures BIO-1 and BIO-2, the proposed project would not result in significant impacts to migratory birds. As such, the project's less than significant impacts would not be cumulatively considerable.



Mitigation Measures:

- BIO-1** The project Applicant shall develop an educational pamphlet (in English and Spanish) for the identification of raptor nests and to guide tree pruning activities in suburban areas during the breeding season. Landscaping companies and tree trimming services that have projects in the City shall be required to use the pamphlet to educate their employees on the recognition of raptor nest trees. Trimming of trees containing raptor or migrating bird nests shall be prohibited during the raptor breeding season (January 15 to August 31).
- BIO-2** **Migratory Bird and Raptor Nest Buffers.** To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat shall occur outside of the breeding season (January 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the Applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and Federally or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest, and 2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project Applicant shall contact the City and wildlife agencies (i.e., California Department of Fish and Wildlife and U.S. Fish and Wildlife Service) to determine the appropriate buffer.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

CUMULATIVE The project, in conjunction with cumulative development, could result in cumulatively considerable impacts regarding a conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation Plan.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.



Support for this environmental impact conclusion is included in Draft EIR Section 5.3, *Biological Resources*, and in particular, on page 5.3-19 of the Draft EIR.

The City is largely built out with relatively little land available for new development. As a result, the cumulative development projects identified in Draft EIR Table 4-1 primarily consist of infill development and would result in development similar to what currently exists in the surrounding vicinity. Additionally, the City would review site-specific development proposals against the City's Municipal Code requirements for all future projects requiring discretionary approval. This regulatory procedure would ensure cumulative development is reviewed to determine site-specific impacts with regard to consistency with the MHCP, HMP, and Oceanside SAP. Further, cumulative development would be reviewed against applicable General Plan policies.

As discussed above, the project is not located within any of the MHCP, HMP, or Oceanside SAP designated planning zones. Therefore, zone-specific avoidance measures would not apply to the proposed project. The project occurs entirely on urban/developed lands with no naturally occurring vegetation or vegetation communities and no wetlands or jurisdictional waters. Therefore, the project would not require any additional mitigation or avoidance measures other than those identified in Mitigation Measures BIO-1 through BIO-4, which are required under the Oceanside SAP for all projects that may impact biological resources. With implementation of Mitigation Measures BIO-1 through BIO-4, the proposed project would not result in cumulatively considerable impacts in this regard.

Mitigation Measures:

- BIO-1 The project Applicant shall develop an educational pamphlet (in English and Spanish) for the identification of raptor nests and to guide tree pruning activities in suburban areas during the breeding season. Landscaping companies and tree trimming services that have projects in the City shall be required to use the pamphlet to educate their employees on the recognition of raptor nest trees. Trimming of trees containing raptor or migrating bird nests shall be prohibited during the raptor breeding season (January 15 to August 31).
- BIO-2 Migratory Bird and Raptor Nest Buffers. To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat shall occur outside of the breeding season (January 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the Applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and Federally or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest, and 2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project Applicant shall contact the City



and wildlife agencies (i.e., California Department of Fish and Wildlife and U.S. Fish and Wildlife Service) to determine the appropriate buffer.

- BIO-3 During project construction, the project Applicant shall ensure that impacts from fugitive dust be avoided and minimized through watering and other appropriate dust control measures. Fugitive dust reduction measures to be implemented shall be specific on the project plans for City verification.
- BIO-4 Prior to issuance of grading permits, the Applicant shall ensure that the following conditions are implemented during project construction:
- Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;
 - To avoid attracting predators of covered species, the project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site; and
 - Pets of construction employee personnel shall not be allowed on the project site.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

2. Tribal and Cultural Resources

CUL-1 The project could cause a significant impact to a historical resource.

Applicable Threshold of Significance: Cause a substantial adverse change in the significance of a historical resource pursuant to *CEQA Guidelines* Section 15064.5?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.4, *Tribal and Cultural Resources*, and in particular, on pages 5.4-12 through 5.4-15 of the Draft EIR.

The South Coastal Information Center (SCIC) records search, literature and historical map review, and historical society consultation identified no historical resources, as defined by CEQA Section 15064.5(a), within the project area. However, one unevaluated resource, the AT&SF Railroad Maintenance Yard (P-37-027207/CA-SDI-017796), was identified within the project area. This resource consists of a collection of refuse deposits, foundations, and other historic-in-age archaeological resources associated with the rail maintenance yard and tenements formerly located within and adjacent to the project site. However, the resource was heavily impacted by the construction of the parking garage adjacent to the project site. Nevertheless, the current condition of



the site (i.e., the portion located within the project site) is unknown. As such, project excavation could encounter native soils which have the potential to support unknown buried historic-in-age archaeological resources.

Overall, the *Cultural and Paleontological Resources Identification Memorandum for the Oceanside Transit Center Redevelopment Project, Tremont Site, City of Oceanside, San Diego County, California* (Cultural Resources Study), prepared by Michael Baker International (Michael Baker) and dated November 14, 2022 (refer to Draft EIR Appendix 11.4, *Cultural Resources Study*), concluded that the site has high sensitivity for near-surface historic-age archaeological resources. The project area was built up after the coming of the railroad in the late nineteenth century. The project area was located just south of Oceanside's main downtown area, and so it was developed as Oceanside expanded. This development continued into the middle twentieth century, until the numerous buildings within the project area (largely single-family residences, warehouse, and commercial buildings) were demolished and the area paved over. The paving of the project area would have had the effect of sealing in and protecting the historic-period archaeological record.

Past excavations in the northern part of the project area revealed that historic-period archaeological resources associated with the AT&SF Railroad Maintenance Yard (P-37-027207/CA-SDI-017796) are indeed sealed beneath the surface. These included refuse deposits, foundations, pipelines, rail lines, and a maintenance pit. Similarly, features including refuse deposits, foundations, and possibly other features associated with domestic, commercial, and industrial life in early Oceanside are anticipated to exist within the project area.

As such, prior to the beginning of earth-moving construction activities (including initial pavement removal and grading), Mitigation Measure CUL-1 would require the project construction workers be informed of procedures relating to the discovery of unanticipated cultural resources (as outlined in Mitigation Measure CUL-2). Specifically, workers would be cautioned to not collect artifacts and directed to inform a construction supervisor and on-site archaeological monitor in the event that cultural remains are discovered during the course of construction. Mitigation Measure CUL-2 would require a cultural resources monitoring and discovery plan (CRMDP) be prepared and conducted by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology. Specifically, the CRMDP would be required to include specific monitoring methods, personnel, and procedures to be followed in the event of an archaeological resource discovery.

Further, all ground-disturbing activities that have the potential to encounter archaeological resources would be subject to Mitigation Measure CUL-3, which requires a qualified archaeological monitor (working under an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology) be present during ground-disturbing activities including, but not limited to, geotechnical boring, boring, trenching, grading, excavation, and pavement removal.

In the unlikely event that archaeological resources are encountered during project construction, Mitigation Measure CUL-4 would require all project construction efforts to halt until an archaeologist examines the site, identifies the archaeological significance of the find, and recommends a course of action. In the event that a previously unknown archaeological resource is discovered and disturbance to such a resource cannot be avoided, Mitigation Measure CUL-5 would require a Phase III study ("data recovery") be conducted, pursuant to *CEQA Guidelines* Section 15064.5. The Phase III study would generally consist of a limited-scale program of archaeological excavation and laboratory analysis. ~~Any resources recovered shall be properly curated, as appropriate. Any recovered archaeological~~



resources shall be curated in accordance with federal curation standards as outlined in 36 CFR Part 79. All materials, including artifacts, records, and documentation, shall be prepared, maintained, and deposited in a federally approved curation facility, such as the San Diego Archaeological Center, to ensure their long-term preservation and accessibility. With implementation of Mitigation Measures CUL-1 through CUL-5, the project would not cause a substantial adverse change in the significance of historic-in-age cultural resource, and impacts would be reduced to less than significant levels.

Mitigation Measures:

- CUL-1 Workers Environmental Awareness Program. Prior to the beginning of the earth-moving construction activities (including initial pavement removal and grading), a qualified archaeologist retained by the project Applicant shall prepare and present a Workers Environmental Awareness Program (WEAP) training for all contractors, subcontractors, and workers expected to be on-site throughout the entire construction period. The qualified archaeologist shall meet the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738). The WEAP shall inform the construction crew of the cultural resource values involved and of the regulatory protections afforded to those resources. The crew shall also be informed of procedures relating to the discovery of unanticipated resources (as outlined in the cultural resources monitoring and discovery plan). The crew shall be cautioned not to collect artifacts, and directed to inform a construction supervisor and the on-site archaeological monitor in the event that cultural remains are discovered during the course of construction, including if a cultural resources monitor is not present. The qualified archaeologist shall administer supplemental briefing to all new construction personnel, prior to their commencement of earth-moving construction activities.
- CUL-2 Cultural Resources Monitoring and Mitigation Plan. In the event a cultural resource is discovered, a qualified archaeologist retained by the project Applicant shall prepare and implement a cultural resources monitoring and discovery plan (CRMDP), which specifies monitoring methods, personnel, and procedures to be followed. The monitoring plan shall identify what activities require monitoring, describe monitoring procedures, and outline the protocol to be followed in the event of a find. Criteria shall be outlined, and triggers identified when further consultation (i.e., Native American consultation) is required for the treatment of a find (including consistency with Mitigation Measures CUL-6 through CUL-14). Key staff shall be identified, and the process of notification and consultation shall be specified in the CRMDP. A curation plan shall also be outlined in the CRMDP. All archaeological work shall be conducted under the direction of a qualified archaeological Principal Investigator who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738).
- CUL-3 Archaeological Resources Monitoring. Archaeological monitoring for all ground-disturbing activities that have the potential to encounter archaeological resources shall be conducted by a qualified archaeological monitor, retained by the project Applicant, who is working under the guidance of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738). Ground-disturbing activities include, but are not limited to, geotechnical boring, boring, trenching, grading, excavating, and pavement removal. The archaeological monitor shall observe ground-disturbing activities in all areas with potential to contain significant



cultural deposits. If discoveries are made during ground-disturbing activities, additional work may be required in accordance with the terms specified in the cultural resources monitoring and discovery plan (required under Mitigation Measure CUL-2).

- CUL-4 Evaluation of Unanticipated Finds. In the event an archaeological resource is unearthed during excavation, all excavations shall be halted within 50 feet of the find. Work shall stop immediately, and the discovery shall be evaluated by a qualified archaeologist, retained by the project Applicant, meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738), pursuant to the procedures set forth within *CEQA Guidelines* Section 15064.5. Depending on the nature of the find, the determination of significance may require additional excavation, potentially including the preparation and execution of a Phase II Archaeological Testing Plan. As the lead agency, the City of Oceanside shall make a determination of significance on the basis of the recommendations of the qualified archaeologist.
- CUL-5 Treatment of Unanticipated Finds. Avoidance and preservation-in-place are the preferred treatment for historical resources, but avoidance is not always feasible. In an event that a previously unknown archaeological resource is discovered and disturbance to such a resource cannot be avoided, a Phase III, or "data recovery," phase of investigation shall be required, pursuant to *CEQA Guidelines* Section 15064.5. The Phase III study shall be prepared by a qualified archaeologist retained by the project Applicant and generally consist of a limited-scale program of archaeological excavation and laboratory analysis. Any resources recovered shall be properly curated, as appropriate. Any recovered archaeological resources shall be curated in accordance with federal curation standards as outlined in 36 CFR Part 79. All materials, including artifacts, records, and documentation, shall be prepared, maintained, and deposited in a federally approved curation facility, such as the San Diego Archaeological Center, to ensure their long-term preservation and accessibility. Mitigation shall be considered complete when finds are curated and documentation of findings is completed to a level satisfactory to the City of Oceanside and filed with the South Coastal Information Center of the California Historical Resources Information System.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.



CUL-2 The project could cause a significant impact to an archaeological resource on-site.

Applicable Threshold of Significance: Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.4, *Tribal and Cultural Resources*, and in particular, on page 5.4-15 and 5.4-16 of the Draft EIR.

Results from the Cultural Resources Study indicate that the project site does not contain known archaeological resources. However, the site is located within 0.5 mile of the Pacific Ocean coast and at a similar distance to the San Luis Rey River, which is expected to have been heavily utilized by local Native Americans. However, the project site is located on an unprotected coastal plain subject to extreme weather blowing in from the Pacific Ocean and is more than 0.5-mile from a permanent freshwater source. As such, the project site would have been a resource procurement area rather than a permanent village site. The surface sediments underlying the project area are mapped as dating from the middle to late Pleistocene in age (770,000 to 11,700 years ago). While surface archaeological sites and shallow Holocene deposits may lay unconformably upon these Pleistocene deposits, and cut-fill features may intrude into them, they are too young to typically contain intact prehistoric archaeological deposits. Any prehistoric resources located within the project area are likely to have been destroyed by human activity from the nineteenth century onward.

Nonetheless, the site could contain previously undiscovered archaeological resources. The proposed earthwork would involve grading activities, including deeper excavations for installation of underground parking structures. Quaternary Deposits overlying San Onofre Breccia deposits range from five feet (along the eastern project boundary) to 18 feet (along the western project boundary). As such, project excavation would encounter native soils which have the potential to support unknown buried archaeological resources.

Prior to the beginning of earth-moving construction activities (including initial pavement removal and grading), Mitigation Measure CUL-1 would require the project construction workers be informed of procedures relating to the discovery of unanticipated archaeological resources (as outlined in Mitigation Measure CUL-2). Specifically, workers would be cautioned to not collect artifacts and directed to inform a construction supervisor and on-site archaeological monitor in the event that cultural remains are discovered during the course of construction. Mitigation Measure CUL-2 would require a CRMDP be prepared and conducted by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology. Specifically, the CRMDP would include specific monitoring methods, personnel, and procedures to be followed in the event of an archaeological resource discovery.

Further, all ground-disturbing activities that have the potential to encounter archaeological resources would be subject to Mitigation Measure CUL-3, which requires a qualified archaeological monitor (working under an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology) be present during ground-disturbing activities including, but not limited to, geotechnical boring, boring, trenching, grading, excavation, and pavement removal.



In the unlikely event that archaeological resources are encountered during project construction, Mitigation Measure CUL-4 would require all project construction efforts to halt until an archaeologist examines the site, identifies the archaeological significance of the find, and recommends a course of action. In the event that a previously unknown archaeological resource is discovered and disturbance to such a resource cannot be avoided, Mitigation Measure CUL-5 would require a Phase III study ("data recovery") be conducted, pursuant to *CEQA Guidelines* Section 15064.5. The Phase III study would generally consist of a limited scale program of archaeological excavation and laboratory analysis. Any resources recovered would be properly curated, as appropriate. With implementation of Mitigation Measures CUL-1 through CUL-5, the project would not cause a substantial adverse change in the significance of an archaeological resource or site pursuant to Section 15064.5 of the *CEQA Guidelines*, and impacts would be reduced to less than significant levels.

Mitigation Measures:

- CUL-1 Workers Environmental Awareness Program. Prior to the beginning of the earth-moving construction activities (including initial pavement removal and grading), a qualified archaeologist retained by the project Applicant shall prepare and present a Workers Environmental Awareness Program (WEAP) training for all contractors, subcontractors, and workers expected to be on-site throughout the entire construction period. The qualified archaeologist shall meet the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738). The WEAP shall inform the construction crew of the cultural resource values involved and of the regulatory protections afforded to those resources. The crew shall also be informed of procedures relating to the discovery of unanticipated resources (as outlined in the cultural resources monitoring and discovery plan). The crew shall be cautioned not to collect artifacts, and directed to inform a construction supervisor and the on-site archaeological monitor in the event that cultural remains are discovered during the course of construction, including if a cultural resources monitor is not present. The qualified archaeologist shall administer supplemental briefing to all new construction personnel, prior to their commencement of earth-moving construction activities.
- CUL-2 Cultural Resources Monitoring and Mitigation Plan. In the event a cultural resource is discovered, a qualified archaeologist retained by the project Applicant shall prepare and implement a cultural resources monitoring and discovery plan (CRMDP), which specifies monitoring methods, personnel, and procedures to be followed. The monitoring plan shall identify what activities require monitoring, describe monitoring procedures, and outline the protocol to be followed in the event of a find. Criteria shall be outlined, and triggers identified when further consultation (i.e., Native American consultation) is required for the treatment of a find (including consistency with Mitigation Measures CUL-6 through CUL-14). Key staff shall be identified, and the process of notification and consultation shall be specified in the CRMDP. A curation plan shall also be outlined in the CRMDP. All archaeological work shall be conducted under the direction of a qualified archaeological Principal Investigator who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738).
- CUL-3 Archaeological Resources Monitoring. Archaeological monitoring for all ground-disturbing activities that have the potential to encounter archaeological resources shall be conducted by a qualified archaeological monitor, retained by the project Applicant, who is



working under the guidance of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738). Ground-disturbing activities include, but are not limited to, geotechnical boring, boring, trenching, grading, excavating, and pavement removal. The archaeological monitor shall observe ground-disturbing activities in all areas with potential to contain significant cultural deposits. If discoveries are made during ground-disturbing activities, additional work may be required in accordance with the terms specified in the cultural resources monitoring and discovery plan (required under Mitigation Measure CUL-2).

- CUL-4 Evaluation of Unanticipated Finds. In the event an archaeological resource is unearthed during excavation, all excavations shall be halted within 50 feet of the find. Work shall stop immediately, and the discovery shall be evaluated by a qualified archaeologist, retained by the project Applicant, meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738), pursuant to the procedures set forth within *CEQA Guidelines* Section 15064.5. Depending on the nature of the find, the determination of significance may require additional excavation, potentially including the preparation and execution of a Phase II Archaeological Testing Plan. As the lead agency, the City of Oceanside shall make a determination of significance on the basis of the recommendations of the qualified archaeologist.
- CUL-5 Treatment of Unanticipated Finds. Avoidance and preservation-in-place are the preferred treatment for historical resources, but avoidance is not always feasible. In an event that a previously unknown archaeological resource is discovered and disturbance to such a resource cannot be avoided, a Phase III, or "data recovery," phase of investigation shall be required, pursuant to *CEQA Guidelines* Section 15064.5. The Phase III study shall be prepared by a qualified archaeologist retained by the project Applicant and generally consist of a limited-scale program of archaeological excavation and laboratory analysis. Any resources recovered shall be properly curated, as appropriate. Any recovered archaeological resources shall be curated in accordance with federal curation standards as outlined in 36 CFR Part 79. All materials, including artifacts, records, and documentation, shall be prepared, maintained, and deposited in a federally approved curation facility, such as the San Diego Archaeological Center, to ensure their long-term preservation and accessibility. Mitigation shall be considered complete when finds are curated and documentation of findings is completed to a level satisfactory to the City of Oceanside and filed with the South Coastal Information Center of the California Historical Resources Information System.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.



CUL-3 The project could cause a significant impact regarding the disturbance to human remains, including those interred outside of dedicated cemeteries.

Applicable Threshold of Significance: Disturb any human remains, including those interred outside of dedicated cemeteries?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.4, *Tribal and Cultural Resources*, and in particular, on pages 5.4-16 and 5.4-17 of the Draft EIR.

Due to the level of past disturbance within the project site, it is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during earth removal or ground-disturbing activities. Nonetheless, prior to the issuance of a grading permit, Mitigation Measure CUL-6 would require the project Applicant to enter a pre-excavation agreement (Tribal Cultural Resources Treatment and Tribal Monitoring Agreement) with the Traditionally and Culturally Affiliated (TCA) Native American Monitor(s) associated with a TCA Kumeyaay Tribe and the Luiseño Tribe to ensure appropriate protocols are in place in the event unknown tribal cultural resources or human remains are discovered during ground-disturbing activities. If human remains are found, Mitigation Measure CUL-7 would require those remains receive proper treatment, in accordance with State of California Public Resources Health and Safety Code Sections 7050.5 through 7055 describe the general provisions for human remains. Specifically, Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission (NAHC), and consultation with the individual identified by the NAHC to be the most likely descendant. If human remains are found during excavation, excavation must stop near the find and any area that is reasonably suspected to overlay adjacent remains until the County Coroner has been called out, the remains have been investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with Mitigation Measures CUL-6 and CUL-7, impacts related to the disturbance of human remains would be less than significant.

Mitigation Measures:

CUL-6 Prior to the issuance of a grading permit, the project Applicant shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Kumeyaay Tribe and Native American Monitor associated with a TCA Luiseño Tribe. A copy of the agreement shall be included in the grading plan submittals for the grading permit. The purpose of this agreement shall be to formalize protocols and procedures between the project Applicant and the TCA Native American Monitor(s) for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. At the



discretion of the TCA Native American Monitor(s), artifacts may be made available for 3D scanning/printing, with scanned/printed materials to be curated at a local repository meeting the federal standards of 36 Code of Federal Regulations 79.

- CUL-7 As specified by the State of California Public Resources Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of TCA Native American Monitor(s). By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendent.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

CUL-4 The project could cause a significant impact to a tribal cultural resource.

Applicable Threshold of Significance: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources



Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.4, *Tribal and Cultural Resources*, and in particular, on pages 5.4-17 through 5.4-20 of the Draft EIR.

As stated above, the City sent letters inviting tribes to consult on the project per AB 52 and SB 18 on December 14, 2022. The tribes had 30 days to respond to the City's request for consultation pursuant to AB 52 and 90 days pursuant to SB 18. The Viejas Band of Kumeyaay Indians, the San Luis Rey Band of Mission Indians, and Rincon Band of Luiseño Indians, responded to the notification letters within the response period.

The Viejas Band of Kumeyaay Indians also identified the project site and surrounding area as sensitive for the potential discovery of resources during grading activities. As part of this consultation process, Mitigation Measures CUL-8 through CUL-14 are required. The project proposes excavation activities for the purpose of site grading. As such, project excavation could encounter native soils which has the potential to support unknown tribal cultural resources. Prior to the issuance of a grading permit, Mitigation Measure CUL-6 would require the project Applicant to enter a pre-excavation agreement (Tribal Cultural Resources Treatment and Tribal Monitoring Agreement) with the TCA American Monitor(s) to ensure appropriate protocols are in place in the event unknown tribal cultural resources or human remains are discovered during ground-disturbing activities. Further, Mitigation Measure CUL-8 requires the project Applicant to provide a written and signed letter to the City's Planning Division indicating a qualified archaeologist and TCA Native American Monitor(s) have been retained to implement the monitoring program specified in the pre-excavation agreement. The qualified archaeologist and TCA Native American Monitor(s) would be required to attend all applicable pre-construction meetings with the general contract to present the archaeological monitoring program as required by Mitigation Measure CUL-9. Mitigation Measure CUL-10 would require on-going collaborative consultation between the qualified archaeologist and TCA Native American Monitor(s) during all ground-disturbing activities. Additionally, the project Applicant would be required to notify the City's Planning Division of the start and end of all construction activities. As indicated in Mitigation Measure CUL-11, the qualified archaeologist, in consultation with the TCA Native American Monitor(s), would be required to prepare a "control grade procedure" subject to approval by the City. The control grade procedure would be required to establish requirements for ground-disturbing activities associated with construction equipment in areas considered culturally sensitive through the cultural resources mitigation monitoring process. In the event that tribal cultural resources are encountered during project construction, Mitigation Measure CUL-12 would require all project construction efforts to halt until an archaeologist and TCA Native American Monitor(s) examine the site, evaluate the tribal cultural significance of the find, and recommend a course of action. It should be noted that avoidance and protection of the tribal cultural resource would be the preferable mitigation technique. As described in Mitigation Measure CUL-13, all tribal cultural resources uncovered during ground-disturbing activities are required to be relinquished to the corresponding Native American tribe. Prior to the release of the grading bond, Mitigation Measure CUL-14 requires a monitoring report, if appropriate, be submitted to the City's Planning Division indicating the results of the archaeological monitoring program including any Native American monitor notes and be subject to approval by the City's Planning Division. As such, with implementation of Mitigation



Measures CUL-6 through CUL-14, impacts to tribal cultural resources would be reduced to less than significant levels.

The Rincon Band of Luiseño Indians and San Luis Rey Band of Mission Indians formally requested consultation with the City and requested a copy of the Cultural Resources Study. The City provided the tribes with the Cultural Resources Study, which included a SCIC records search, literature and historical map review, consultation with the Oceanside Historical Society, buried archaeological site sensitivity analysis, San Diego Natural History Museum paleontological records search, and a search of online and published databases to identify paleontological localities; refer to Draft EIR Appendix 11.4. Tribal consultation with the San Luis Rey Band of Mission Indians occurred on June 22, 2023. The tribe indicated a strong sensitivity of the project site and surrounding area as sensitive for the potential discovery of resources during grading activities. Mitigation Measures CUL-6 and CUL-8 through CUL-14 have been provided as part of the consultation process. Tribal representatives agreed with the recommended mitigation measures and consultation has been deemed complete.

Mitigation Measures:

- CUL-6 Prior to the issuance of a grading permit, the project Applicant shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Kumeyaay Tribe and Native American Monitor associated with a TCA Luiseño Tribe. A copy of the agreement shall be included in the grading plan submittals for the grading permit. The purpose of this agreement shall be to formalize protocols and procedures between the project Applicant and the TCA Native American Monitor(s) for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. At the discretion of the TCA Native American Monitor(s), artifacts may be made available for 3D scanning/printing, with scanned/printed materials to be curated at a local repository meeting the federal standards of 36 Code of Federal Regulations 79.
- CUL-8 Prior to the issuance of a grading permit, the project Applicant shall provide a written and signed letter to the City of Oceanside Planning Division stating that a qualified archaeologist and Traditionally and Culturally Affiliated (TCA) Native American Monitors associated with the Kumeyaay Tribe and Luiseño Tribe have been retained at the project Applicant's expense to implement the monitoring program, as described in the pre-excavation agreement.
- CUL-9 The qualified archaeologist and TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) shall attend all applicable pre-construction meetings with the general contractor and/or associated subcontractors to present the archaeological monitoring program. The qualified archaeologist and TCA Native American Monitor(s) shall be present on-site full time during grubbing, grading and/or other ground-altering activities, including the placement of imported fill materials or fill used from other areas of the



project site, to identify any evidence of potential archaeological or tribal cultural resources. All fill materials shall be absent of any and all tribal cultural resources.

- CUL-10 The qualified archaeologist shall maintain on-going collaborative consultation with the TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) during all ground-disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The project Applicant or grading contractor shall notify the City of Oceanside Planning Division of the start and end of all ground-disturbing activities.
- CUL-11 In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "controlled grade procedure" shall be prepared by a qualified archaeologist, in consultation with the TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) and the project Applicant, subject to the approval of City representatives. The controlled grade procedure shall establish requirements for any ground-disturbing work with machinery occurring in and around areas the qualified archaeologist and TCA Native American Monitor(s) determine to be sensitive through the cultural resource mitigation monitoring process. The controlled grade procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the controlled grade procedure shall be included in the grading plan submittals for the grading permit.
- CUL-12 The qualified archaeologist and TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) may halt ground-disturbing activities if unknown tribal cultural resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and before grading proceeds these items shall be secured until they can be repatriated. If items cannot be securely stored on the project site, they may be stored in off-site facilities located in San Diego County. If the qualified archaeologist and TCA Native American Monitor(s) determine that the unearched tribal cultural resource, artifact deposits, or cultural features are considered potentially significant to a TCA Luiseño Tribe or TCA Kumeyaay Tribe that has participated in the state-prescribed consultation process for this project, the TCA Luiseño Tribe or TCA Kumeyaay Tribe shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the Lead Agency under CEQA, TCA Luiseño Tribes and/or TCA Kumeyaay Tribes that have participated in the State-prescribed consultation process for this project shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant tribal cultural resources, artifact deposits, or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area shall be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Luiseño Tribes and/or TCA Kumeyaay Tribes that have participated in the State-prescribed consultation process for



the proposed project. If the qualified archaeologist collects such resources, the TCA Luiseño Native American Monitor and TCA Kumeyaay Native American Monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the tribal cultural resources that are unearthed during the ground-disturbing activities, the TCA Luiseño Native American Monitor and TCA Kumeyaay Native American Monitor, at their discretion, may collect said resources and provide them to the appropriate TCA Luiseño Tribe and/or TCA Kumeyaay Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American Monitor(s), deems the cultural resource or feature has been appropriately documented and/or protected.

- CUL-13 The project Applicant shall relinquish ownership of all tribal cultural resources unearthed during the cultural resource mitigation monitoring conducted during all ground-disturbing activities, and from any previous archaeological studies or excavations on the project site, to the appropriate TCA Luiseño Tribe and/or TCA Kumeyaay Tribe, as determined through the appropriate process, for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.
- CUL-14 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the qualified archaeologist, along with the TCA Native American Monitor(s)' notes and comments, to the City of Oceanside Planning Division for approval.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

CUMULATIVE The project, combined with other related cumulative projects, could cause cumulatively considerable impacts to historical resources, archaeological resources, or tribal cultural resources.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.4, *Tribal and Cultural Resources*, and in particular, on page 5.4-21 of the Draft EIR.



Draft EIR Table 4-1 identifies the related projects and other possible development in the area determined as having the potential to interact with the project to the extent that a significant cumulative effect may occur. Project-related impacts to historical, archeological, and tribal cultural resources have been determined to be less than significant with implementation of Mitigation Measures CUL-1 through CUL-14. Future cumulative projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to site-specific historical, archaeological, and/or tribal cultural resources. Related projects would be required to adhere to State and federal regulations, as well as project-specific mitigation measures.

As discussed under Impact Statements CUL-1 through CUL-4, implementation of Mitigation Measures CUL-1 through CUL-14 would reduce potentially significant project impacts to historical, archaeological, and tribal cultural resources to less than significant levels. Thus, the project's less than significant impacts would not be cumulatively considerable.

Mitigation Measures:

- CUL-1 Workers Environmental Awareness Program. Prior to the beginning of the earth-moving construction activities (including initial pavement removal and grading), a qualified archaeologist retained by the project Applicant shall prepare and present a Workers Environmental Awareness Program (WEAP) training for all contractors, subcontractors, and workers expected to be on-site throughout the entire construction period. The qualified archaeologist shall meet the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738). The WEAP shall inform the construction crew of the cultural resource values involved and of the regulatory protections afforded to those resources. The crew shall also be informed of procedures relating to the discovery of unanticipated resources (as outlined in the cultural resources monitoring and discovery plan). The crew shall be cautioned not to collect artifacts, and directed to inform a construction supervisor and the on-site archaeological monitor in the event that cultural remains are discovered during the course of construction, including if a cultural resources monitor is not present. The qualified archaeologist shall administer supplemental briefing to all new construction personnel, prior to their commencement of earth-moving construction activities.
- CUL-2 Cultural Resources Monitoring and Mitigation Plan. In the event a cultural resource is discovered, a qualified archaeologist retained by the project Applicant shall prepare and implement a cultural resources monitoring and discovery plan (CRMDP), which specifies monitoring methods, personnel, and procedures to be followed. The monitoring plan shall identify what activities require monitoring, describe monitoring procedures, and outline the protocol to be followed in the event of a find. Criteria shall be outlined, and triggers identified when further consultation (i.e., Native American consultation) is required for the treatment of a find (including consistency with Mitigation Measures CUL-6 through CUL-14). Key staff shall be identified, and the process of notification and consultation shall be specified in the CRMDP. A curation plan shall also be outlined in the CRMDP. All archaeological work shall be conducted under the direction of a qualified archaeological Principal Investigator who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738).
- CUL-3 Archaeological Resources Monitoring. Archaeological monitoring for all ground-disturbing activities that have the potential to encounter archaeological resources shall be



conducted by a qualified archaeological monitor, retained by the project Applicant, who is working under the guidance of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738). Ground-disturbing activities include, but are not limited to, geotechnical boring, boring, trenching, grading, excavating, and pavement removal. The archaeological monitor shall observe ground-disturbing activities in all areas with potential to contain significant cultural deposits. If discoveries are made during ground-disturbing activities, additional work may be required in accordance with the terms specified in the cultural resources monitoring and discovery plan (required under Mitigation Measure CUL-2).

- CUL-4 Evaluation of Unanticipated Finds. In the event an archaeological resource is unearthed during excavation, all excavations shall be halted within 50 feet of the find. Work shall stop immediately, and the discovery shall be evaluated by a qualified archaeologist, retained by the project Applicant, meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738), pursuant to the procedures set forth within *CEQA Guidelines* Section 15064.5. Depending on the nature of the find, the determination of significance may require additional excavation, potentially including the preparation and execution of a Phase II Archaeological Testing Plan. As the lead agency, the City of Oceanside shall make a determination of significance on the basis of the recommendations of the qualified archaeologist.
- CUL-5 Treatment of Unanticipated Finds. Avoidance and preservation-in-place are the preferred treatment for historical resources, but avoidance is not always feasible. In an event that a previously unknown archaeological resource is discovered and disturbance to such a resource cannot be avoided, a Phase III, or "data recovery," phase of investigation shall be required, pursuant to *CEQA Guidelines* Section 15064.5. The Phase III study shall be prepared by a qualified archaeologist retained by the project Applicant and generally consist of a limited-scale program of archaeological excavation and laboratory analysis. Any resources recovered shall be properly curated, as appropriate. Any recovered archaeological resources shall be curated in accordance with federal curation standards as outlined in 36 CFR Part 79. All materials, including artifacts, records, and documentation, shall be prepared, maintained, and deposited in a federally approved curation facility, such as the San Diego Archaeological Center, to ensure their long-term preservation and accessibility. Mitigation shall be considered complete when finds are curated and documentation of findings is completed to a level satisfactory to the City of Oceanside and filed with the South Coastal Information Center of the California Historical Resources Information System.
- CUL-6 Prior to the issuance of a grading permit, the project Applicant shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Kumeyaay Tribe and Native American Monitor associated with a TCA Luiseño Tribe. A copy of the agreement shall be included in the grading plan submittals for the grading permit. The purpose of this agreement shall be to formalize protocols and procedures between the project Applicant and the TCA Native American Monitor(s) for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or



discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. At the discretion of the TCA Native American Monitor(s), artifacts may be made available for 3D scanning/printing, with scanned/printed materials to be curated at a local repository meeting the federal standards of 36 Code of Federal Regulations 79.

- CUL-7 As specified by the State of California Public Resources Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of TCA Native American Monitor(s). By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendent.
- CUL-8 Prior to the issuance of a grading permit, the project Applicant shall provide a written and signed letter to the City of Oceanside Planning Division stating that a qualified archaeologist and Traditionally and Culturally Affiliated (TCA) Native American Monitors associated with the Kumeyaay Tribe and Luiseño Tribe have been retained at the project Applicant's expense to implement the monitoring program, as described in the pre-excavation agreement.
- CUL-9 The qualified archaeologist and TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) shall attend all applicable pre-construction meetings with the general contractor and/or associated subcontractors to present the archaeological monitoring program. The qualified archaeologist and TCA Native American Monitor(s) shall be present on-site full time during grubbing, grading and/or other ground-altering activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or tribal cultural resources. All fill materials shall be absent of any and all tribal cultural resources.
- CUL-10 The qualified archaeologist shall maintain on-going collaborative consultation with the TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) during all ground-disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The project Applicant or grading contractor shall notify the City of Oceanside Planning Division of the start and end of all ground-disturbing activities.



- CUL-11 In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written “controlled grade procedure” shall be prepared by a qualified archaeologist, in consultation with the TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) and the project Applicant, subject to the approval of City representatives. The controlled grade procedure shall establish requirements for any ground-disturbing work with machinery occurring in and around areas the qualified archaeologist and TCA Native American Monitor(s) determine to be sensitive through the cultural resource mitigation monitoring process. The controlled grade procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the controlled grade procedure shall be included in the grading plan submittals for the grading permit.
- CUL-12 The qualified archaeologist and TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) may halt ground-disturbing activities if unknown tribal cultural resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and before grading proceeds these items shall be secured until they can be repatriated. If items cannot be securely stored on the project site, they may be stored in off-site facilities located in San Diego County. If the qualified archaeologist and TCA Native American Monitor(s) determine that the unearthed tribal cultural resource, artifact deposits, or cultural features are considered potentially significant to a TCA Luiseño Tribe or TCA Kumeyaay Tribe that has participated in the state-prescribed consultation process for this project, the TCA Luiseño Tribe or TCA Kumeyaay Tribe shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the Lead Agency under CEQA, TCA Luiseño Tribes and/or TCA Kumeyaay Tribes that have participated in the State-prescribed consultation process for this project shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant tribal cultural resources, artifact deposits, or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area shall be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Luiseño Tribes and/or TCA Kumeyaay Tribes that have participated in the State-prescribed consultation process for the proposed project. If the qualified archaeologist collects such resources, the TCA Luiseño Native American Monitor and TCA Kumeyaay Native American Monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the tribal cultural resources that are unearthed during the ground-disturbing activities, the TCA Luiseño Native American Monitor and TCA Kumeyaay Native American Monitor, at their discretion, may collect said resources and provide them to the appropriate TCA Luiseño Tribe and/or TCA Kumeyaay Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the Tribe’s cultural and spiritual traditions. Ground-disturbing activities



shall not resume until the qualified archaeologist, in consultation with the TCA Native American Monitor(s), deems the cultural resource or feature has been appropriately documented and/or protected.

- CUL-13 The project Applicant shall relinquish ownership of all tribal cultural resources unearthed during the cultural resource mitigation monitoring conducted during all ground-disturbing activities, and from any previous archaeological studies or excavations on the project site, to the appropriate TCA Luiseño Tribe and/or TCA Kumeyaay Tribe, as determined through the appropriate process, for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.
- CUL-14 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the qualified archaeologist, along with the TCA Native American Monitor(s)' notes and comments, to the City of Oceanside Planning Division for approval.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

3. Geology and Soils

GEO-4 Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Applicable Threshold of Significance: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.5, *Geology and Soils*, and in particular, on pages 5.5-13 through 5.5-15 of the Draft EIR.

The project is in the west-central portion of the Peninsular Ranges geomorphic province, which is marked by northwest-trending mountain ranges and valleys subparallel to the San Andreas Fault. This geomorphic province also includes physiogeographic features such as the Los Angeles Basin, the southern members of the Channel Islands, and the continental shelf. According to the Cultural Resources Study, the project site is underlain at the surface by Old Paralic deposits, which are broadly



equivalent to the nearshore marine deposits of the Pleistocene-age (approximately 750,000 to 10,000 years old) Bay Point Formation. The Bay Point Formation has been assigned a high paleontological sensitivity for the diverse and well-preserved fossils of marine invertebrates, marine vertebrates, and occasional terrestrial vertebrates that have been recovered from these deposits in western San Diego County. Project-related ground-disturbing activities have a high potential to disturb significant paleontological resources, due to the fossil sensitivity of the rock formations present within the project area. Therefore, there is potential for encountering paleontological resources from Pleistocene-age deposits (i.e., Old Paralic Deposits) from the surface, up to depths ranging from about 6.5 feet to 16.5 feet at the central portion of the project site. Further, the database search identified several localities have been found within two miles of the project area from geologic formations similar to those underlying the project site. As such, the project has a high potential to disturb paleontological resources within undisturbed bedrock.

Mitigation Measure GEO-1 would require the project Applicant to retain a Society of Vertebrate Paleontology-qualified paleontologist to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to grading or excavation in sedimentary rock material other than topsoil. Further, Mitigation Measure GEO-2 would require that full-time paleontological monitoring occur during ground disturbance in sedimentary rock material (other than topsoil) and undisturbed geologic contexts (i.e., bedrock and outcrops) which have the potential to contain significant paleontological resources. As indicated in Mitigation Measure GEO-3, if resources are encountered and determined to be significant, a data recovery plan shall be implemented to ensure fossil curation is completed and submitted to the City. Compliance with Mitigation Measures GEO-1 through GEO-3 would reduce potential paleontological resource impacts associated with the project to less than significant levels.

Mitigation Measures:

- GEO-1** The Applicant shall retain a Society of Vertebrate Paleontology-qualified paleontologist (SVP 2010) to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to grading or excavation in sedimentary rock material other than topsoil. The training session shall focus on how to identify paleontological resources, such as fossils that may be encountered, and the procedures to follow if identified.
- GEO-2** Prior to grading or excavation in sedimentary rock material other than topsoil, the Applicant shall retain a Society of Vertebrate Paleontology (SVP)-qualified paleontologist to monitor or supervise the monitoring of these activities. The SVP-qualified paleontologist will supervise a paleontological monitor. Paleontological monitoring shall also be conducted during ground disturbance in undisturbed geologic contexts (i.e., bedrock and outcrops) which have the potential to contain significant paleontological resources. Ground disturbance refers to activities that would impact subsurface geologic deposits, such as grading, excavation, boring, etc. Activities taking place in current topsoil or within previously disturbed fill sediments (e.g., clearing, grubbing, and pavement rehabilitation) do not require paleontological monitoring. Bedrock can occur at varying depths depending on the portion of the project area. If fossils are discovered during grading at any depth, the paleontological monitor, in discussion with the SVP-qualified paleontologist, will notify the on-site construction supervisor, who shall redirect work away from the location of the discovery. The recommendations of the SVP-qualified



paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.

GEO-3 If any paleontological resources are encountered at the project area during construction or the course of any ground-disturbance activities, all such activities within 100 feet of the find shall halt immediately. At this time, the Applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. The assessment will follow SVP 2010 standards. If any find is determined to be significant, appropriate avoidance measures recommended by the SVP-qualified paleontologist and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

If the fossils are determined to be significant, then the SVP-qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures:

- The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research interest in the materials (which may include the Western Science Center in Hemet);
- The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and
- The paleontologist shall ensure that curation of fossils is completed in consultation with the City. A letter of acceptance from the curation institution shall be submitted to the City.

A qualified professional paleontologist is a professional with a graduate degree in paleontology, geology, or related field, with demonstrated experience in the vertebrate, invertebrate, or botanical paleontology of California, as well as at least one year of full-time professional experience or equivalent specialized training in paleontological research (i.e., the identification of fossil deposits, application of paleontological field and laboratory procedures and techniques, and curation of fossil specimens), and at least four months of supervised field and analytic experience in general North American paleontology.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

CUMULATIVE The proposed project, combined with other related cumulative projects, could expose people or structures to potential substantial adverse effects



involving geology and soils and could impact unknown paleontological resources.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.5, *Geology and Soils*, and in particular, on pages 5.5-15 and 5.5-16 of the Draft EIR.

Cumulative projects identified in Draft EIR Table 4-1 would be located within proximity to similar fault zones as the project. However, the intensity of the seismic ground shaking would vary by site based on earthquake magnitude, distance to epicenter, and geology of the area between the epicenter and the cumulative site. Additionally, potential paleontological resource impacts associated with the development of each cumulative project would be specific to each site. Cumulative projects would be required to comply with existing federal, State, and local regulations [including the California Building Code (CBC)] and project-specific mitigation measures related to geologic hazards and paleontological resources impacts on a project-by-project basis.

As concluded above, geologic and seismic hazards associated with the proposed project would be reduced to less than significant levels following conformance with established regulatory requirements, including the CBC, Municipal Code, and National Pollutant Discharge Elimination System (NPDES) requirements. Additionally, implementation of Mitigation Measures GEO-1 through GEO-3 would reduce potential impacts to unknown paleontological resources on-site. As such, with compliance with the recommended mitigation measures, the proposed project would not result in cumulatively considerable impacts in this regard.

Mitigation Measure:

- GEO-1** The Applicant shall retain a Society of Vertebrate Paleontology-qualified paleontologist (SVP 2010) to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to grading or excavation in sedimentary rock material other than topsoil. The training session shall focus on how to identify paleontological resources, such as fossils that may be encountered, and the procedures to follow if identified.
- GEO-2** Prior to grading or excavation in sedimentary rock material other than topsoil, the Applicant shall retain a Society of Vertebrate Paleontology (SVP)-qualified paleontologist to monitor or supervise the monitoring of these activities. The SVP-qualified paleontologist will supervise a paleontological monitor. Paleontological monitoring shall also be conducted during ground disturbance in undisturbed geologic contexts (i.e., bedrock and outcrops) which have the potential to contain significant paleontological resources. Ground disturbance refers to activities that would impact subsurface geologic deposits, such as grading, excavation, boring, etc. Activities taking place in current topsoil or within previously disturbed fill sediments (e.g., clearing, grubbing, and pavement rehabilitation) do not require paleontological monitoring. Bedrock can occur at varying depths depending on the portion of the project area. If fossils are discovered during grading at any depth, the paleontological monitor, in discussion with the SVP-qualified paleontologist, will notify the on-site construction supervisor, who shall redirect work



away from the location of the discovery. The recommendations of the SVP-qualified paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.

- GEO-3** If any paleontological resources are encountered at the project area during construction or the course of any ground-disturbance activities, all such activities within 100 feet of the find shall halt immediately. At this time, the Applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. The assessment will follow SVP 2010 standards. If any find is determined to be significant, appropriate avoidance measures recommended by the SVP-qualified paleontologist and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

If the fossils are determined to be significant, then the SVP-qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures:

- The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research interest in the materials (which may include the Western Science Center in Hemet);
- The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and
- The paleontologist shall ensure that curation of fossils is completed in consultation with the City. A letter of acceptance from the curation institution shall be submitted to the City.

A qualified professional paleontologist is a professional with a graduate degree in paleontology, geology, or related field, with demonstrated experience in the vertebrate, invertebrate, or botanical paleontology of California, as well as at least one year of full-time professional experience or equivalent specialized training in paleontological research (i.e., the identification of fossil deposits, application of paleontological field and laboratory procedures and techniques, and curation of fossil specimens), and at least four months of supervised field and analytic experience in general North American paleontology.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.



4. Hazards and Hazardous Materials

HAZ-1 Project implementation could create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Applicable Threshold of Significance: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.7, *Hazards and Hazardous Materials*, and in particular, on pages 5.7-13 through 5.7-16 of the Draft EIR.

One of the means through which human exposure to hazardous substances could occur is through accidental release. Incidents that result in an accidental release of hazardous substances into the environment can cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. Human exposure to contaminated soil or water can have potential health effects based on a variety of factors, such as the nature of the contaminant and the degree of exposure.

Analytical results as part of the *Additional Phase II Environmental Site Assessment, 235 South Tremont Street Oceanside, California 92054* (Additional Phase II ESA), prepared by Stantec, dated November 5, 2021 (refer to Draft EIR Appendix 11.7, *Hazardous Materials Documentation*) have not identified soil impacts above laboratory detection levels. However, soil gas sampling results indicated elevated concentrations of total petroleum hydrocarbons- gasoline range organics (TPH-GRO), benzene, and tetrachloroethene (PCE) above residential screening levels. Due to the presence of soil vapor impacts, an human health risk assessment (HHRA) was conducted to evaluate potential vapor intrusion risks. According to the Additional Phase II ESA, soil gas samples do not indicate an excess vapor intrusion risk due to the detected concentrations. In addition, under the low threat closure policy enforced by the State, TPH-related compounds are subject to bio-attenuation adjustments to the screening levels. Based on those bio-attenuation adjustments to the screening levels, no TPH-GRO was detected above the adjusted human health risk-based soil vapor screening levels. Overall, the Additional Phase II ESA concluded that neither soil nor soil gas issues have been identified for the proposed residential (and commercial) uses of the project

CONSTRUCTION

Construction activities could expose construction workers to accidental conditions at the project site. The project would involve excavation of up to 30 feet in depth (total cut of 286,000 cubic yards) to construct the proposed subterranean parking structure. According to the Additional Phase II ESA, the proposed excavation would expose impacted soil and soil gas on-site, if present. As such, the project would have to comply with Mitigation Measures HAZ-1 and HAZ-2, which would require additional confirmation sampling and the development of a Soil Management Plan (SMP) prior to site



disturbance activities. Additional on-site confirmation sampling, adjacent to the City-operated parking structure, would be required prior to issuance of a grading permit in order to verify that contamination has not extended into the project site (HAZ-1). The SMP would present procedures for the excavation and construction contractors to use in the event that unknown structures (i.e., underground storage tanks, sumps, etc.) or soil contamination are encountered during demolition, excavations, grading, or any other soil disturbance activities (HAZ-2). Results and recommendations, if any, would be required to be incorporated into the SMP. The SMP would provide guidance for the characterization, proper handling, and management of impacted or suspected impacted soil that may be encountered. The SMP would also be required to include a decision framework and specific risk management measures for characterization, proper handling, and management of impacted or suspected impacted soil, including any soil import/export activities, in a manner protective of human health and consistent with applicable regulatory requirements. The SMP shall be made available to the contractor and the City Engineer for use during grading activities. With implementation of Mitigation Measure HAZ-2, risks from the disturbance of potentially contaminated soil during project construction would be minimized.

Demolition of On-Site Buildings

Existing structures on the project site appear to have been constructed in the 1980s. Further, according to the *Phase I Environmental Site Assessment, 235 South Tremont Street Oceanside, California 92054* (Phase I ESA), prepared by Stantec Consulting Services Inc. (Stantec), dated February 10, 2021 (refer to Draft EIR Appendix 11.7), a generator and pad-mounted transformers were observed on-site. The generator and the transformers appeared to be in good condition without any indication of leaking or staining. Nonetheless, asbestos-containing materials (ACMs), lead-based paint (LBPs), and polychlorinated biphenyls (PCBs) may be present in association with building materials, and demolition of the structures on-site could expose construction personnel and the public to such hazardous building materials. All demolition that could result in the release of ACMs, LBPs, and/or PCBs would be conducted according to federal and State regulations which govern the renovation and demolition of structures where these hazardous building materials are present. Specifically, the National Emission Standards for Hazardous Air Pollutants (NESHAP) establishes that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition.

To further reduce potential impacts from these hazardous building materials, the project would be required to comply with Mitigation Measure HAZ-3. Mitigation Measure HAZ-3 would require surveys of ACMs, LBPs, and PCBs to be conducted by qualified specialists or contractors who have completed a current EPA-approved Building Inspector Course, and submitted to the Hazardous Materials Division (HMD) for review and comment, and to the City Engineer for approval, prior to demolition of existing structures (including piping materials). Specifically, if ACMs are located, abatement of asbestos would be required to be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by qualified specialists or contractors who have completed a current EPA-approved Building Inspector Course in accordance with San Diego Air Pollution Control District (SDAPCD) Rule 1206. If more than 100 square feet of ACMs would be disturbed or demolition would occur, a notification shall be submitted to SDAPCD, and procedures for asbestos emission control and waste handling and disposal must be in compliance with SDAPCD Rule 1206. If LBPs are found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. LBP



removal and disposal shall be performed in accordance with California Code of Regulations (CCR) Title 8, Section 1532.1, which specifies exposure limits, specifies exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or PCB removal would be required to provide evidence of abatement activities to the HMD and City Engineer. The project Applicant would be required to inform the City Engineer, via the monthly compliance report, of the date when all ACMs, LBPs, and/or PCBs are removed from the site. Compliance with existing regulations related to ACMs, LBPs, and/or PCBs and implementation of Mitigation Measure HAZ-3 would reduce potential impacts in this regard to a less than significant level.

Overall, compliance with all existing federal, State, and local laws related to the hazardous materials and implementation of Mitigation Measures HAZ-2 and HAZ-3 would reduce potential impacts during project construction to less than significant levels.

OPERATIONS

Substantial risks associated with hazardous materials are not typically associated with the proposed mixed-use development that includes commercial, transit center, and residential uses. Minor cleaning products along with the occasional use of pesticides and herbicides for landscape maintenance of the project site are generally the extent of hazardous materials that would be routinely utilized on-site.

Although unlikely, there is potential for vapor intrusion into the subterranean parking garage and/or elevator shafts to occur. As such, the project would be required to comply with Mitigation Measure HAZ-4. Mitigation Measure HAZ-4 would require any proposed elevator shaft(s) for the subterranean parking garage be sealed to prevent any potential vapor intrusion into the proposed structures that could then be delivered to the upper floors of the overlying buildings. Further, the proposed subterranean parking garage would be constructed in compliance with specific ventilation requirements pursuant to California Code of Regulations Title 24 to dilute chemicals entering the subterranean garage from the subsurface. In the event that soil vapor impacts differ from those detected by the completed investigations outlined in Phase II ESA and Additional Phase II ESA, implementation of Mitigation Measure HAZ-4 and compliance with specific ventilation requirements for the proposed subterranean parking garage in accordance with CCR Title 24 would reduce potential risks from soil vapor impacts to less than significant levels.

Overall, compliance with all existing federal, State, and local laws related to hazardous materials and implementation of Mitigation Measure HAZ-4 would reduce potential impacts during project operation to less than significant levels.

Mitigation Measures:

- HAZ-1 Prior to issuance of a grading permit, a qualified environmental professional with Phase II/Site Characterization experience shall conduct on-site sampling near the adjacent City-operated parking structure in order to confirm whether or not any off-site hazardous materials have migrated into on-site soil/soil gas at the project site, that which presents a concern to the public or the environment.
- HAZ-2 Prior to issuance of a grading permit, a Soil Management Plan (SMP) shall be prepared by a qualified environmental professional with Phase II/Site Characterization experience.



Any results and/or recommendations from Mitigation Measure HAZ-1 shall be incorporated into the SMP. The SMP shall present procedures for the excavation and construction contractors to use in the event that unknown structures (i.e., underground storage tanks, sumps, etc.) or soil contamination are encountered during demolition, excavations, grading, or any other soil disturbance activities. The SMP shall provide guidance for the characterization, proper handling, and management of impacted or suspected impacted soil that may be encountered. The SMP shall also include a decision framework and specific risk management measures for characterization, proper handling, and management of impacted or suspected impacted soil, including any soil import/export activities, in a manner protective of human health and consistent with applicable regulatory requirements. The SMP shall be made available to the contractor and the City Engineer for use during grading activities.

- HAZ-3 Prior to demolition of existing structures (including piping materials), the project Applicant shall retain a qualified specialists or contractors who have completed a current U.S. Environmental Protection Agency (EPA)-approved Building Inspector Course to conduct surveys of asbestos-containing materials (ACMs), lead-based paints (LBP), and polychlorinated biphenyls (PCBs) to be conducted by, and submitted to the County of San Diego, Department of Environmental Health and Quality, Hazardous Materials Division (HMD) for review and comment, and to the City Engineer for approval, prior to demolition of existing structures (including piping materials).

Specifically, if ACMs are located, abatement of asbestos would be required to be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by qualified specialists or contractors who have completed a current EPA-approved Building Inspector Course in accordance with the San Diego Air Pollution Control District (SDAPCD) Rule 1206. If more than 100 square feet of ACMs would be disturbed or demolition would occur, a notification shall be submitted to SDAPCD, and procedures for asbestos emission control and waste handling and disposal must be in compliance with SDAPCD Rule 1206.

If LBPs are found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or a fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulations (CCR) Title 8, Section 1532.1, which specifies exposure limits, specifies exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead.

Specialists or contractors performing ACM, LBP, and/or PCB removal shall provide evidence of abatement activities to the HMD and City Engineer. The project Applicant would be required to inform the City Engineer, via the monthly compliance report, of the date when all ACMs, LBPs, and/or PCBs are removed from the site, if applicable.

- HAZ-4 Prior to issuance of building permits, the project Applicant shall provide verification documentation to the City Engineer, demonstrating that any proposed elevator shaft(s) for the subterranean parking garage are properly sealed to prevent any potential vapor intrusion into the proposed structures that could then be delivered to the upper floors of the overlying buildings.



Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

HAZ-2 Project implementation could create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.

Applicable Threshold of Significance: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.7, *Hazards and Hazardous Materials*, and in particular, on page 5.7-17 of the Draft EIR.

Several relocation routes identified in the General Plan Public Safety Element Figure PS-11, *Relocation Routes & Refugee Centers*, are in proximity to the project site. These relocation routes include State Route-76 (SR-76), located to the north of the site, Interstate-5 (I-5) and Coast Highway, located to the east, and Oceanside Boulevard, located to the south. Additionally, SR-76 and I-5 are identified as the primary transportation routes for an evacuation effort based on the *City of Oceanside Emergency Operations Plan (EOP)* Annex Q Attachment 2, *Evacuation Route*.

The proposed project would not physically interfere with an adopted emergency response plan or emergency evacuation plan. Project construction activities could result in short-term temporary impacts to local street traffic along Seagaze Drive, South Tremont Street, and Missouri Avenue. While temporary lane closures may be required, travel along surrounding roadways would remain open and would not interfere with emergency access in the site vicinity. Specifically, the project would not require temporary lane closures along I-5, Coast Highway, or SR-76, all of which are either designated as relocation routes in the General Plan or as primary transportation routes for evacuation efforts in the *City of Oceanside Emergency Operations Plan (EOP)*. Additionally, as discussed under Impact Statement TRA-1, the project would be required to implement Mitigation Measure TRA-1 and prepare a Construction Management Plan (CMP). The CMP would require the construction contractor to coordinate with the Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures would not impact operations of adjacent uses or emergency access. Overall, construction-related impacts would be short term and temporary in nature; with implementation of the Mitigation Measure TRA-1, construction impacts in this regard would be reduced to less than significant levels.

The project proposed a mixed-use, transit-oriented development that would not affect the existing emergency service operations in the City. Emergency access to the site would be provided from a number of roadways; refer to Draft EIR Exhibit 3.8-1, *Fire Access and Circulation Plan*. Specifically,



emergency accessways are proposed at the intersection of Tremont Street and Topeka Street and the intersection of Cleveland Street and Topeka Street in the center of the site; at the intersection of Tremont Street and Michigan Avenue in the southern portion of the site; and at the intersection of Cleveland Street and Missouri Avenue at the southern end of the site. Access roadways would be provided with a 50-foot outside and 30-foot inside turning radius and minimum vertical clearance of 13.5 feet. The grade for the roadways would not exceed 12 percent and would all be painted/striped as fire lanes. With adherence to mandatory emergency access requirements, impacts in this regard would be less than significant.

Mitigation Measures:

TRA-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, the construction contractor shall prepare a Construction Management Plan (CMP) to be submitted for review and approval by the City Director of Public Works. The requirement for a CMP shall be incorporated into the project specifications and subject to verification by the City Director of Public Works prior to final plan approval. The CMP shall include, at a minimum, the following measures, which shall be implemented during all construction activities:

- Meet the standards established in the current *California Manual on Uniform Traffic Control Devices* (MUTCD) as well as all applicable City requirements pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary lane closures. The plan shall also detail plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.
- Identify traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to efficiently enter and exit the site and maintain emergency access to the site and surrounding area.
- Should project construction activities require temporary vehicle lane and/or sidewalk closures, the construction contractor shall coordinate with the City Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.
- Identify the routes that construction vehicles must utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project. Require all construction vehicles to carry the required hauling permits and use the most direct route per approval by the City Director of Public Works.
- Require the construction contractor to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The construction contractor shall clean adjacent streets, as directed by the City



Director of Public Works, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE The project combined with other cumulative projects could create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.7, *Hazards and Hazardous Materials*, and in particular, on page 5.7-18 of the Draft EIR.

Cumulative projects could result in creating a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials. However, as discussed above, compliance with existing laws and regulations established by the HMD, San Diego Regional Board, Department of Toxic Substances Control (DTSC), U.S. Department of Transportation (DOT), California Department of Transportation (Caltrans), and California Division of Occupational Safety and Health (Cal/OSHA), among others, these cumulative impacts would be minimized. Further, implementation of the recommended Mitigation Measures HAZ-1 through HAZ-4 would ensure that implementation of the proposed project would not result in significant impacts involving hazards and hazardous materials. As such, the project would not result in a cumulatively considerable impact in this regard, and impacts would be less than significant.

Mitigation Measures:

- HAZ-1 Prior to issuance of a grading permit, a qualified environmental professional with Phase II/Site Characterization experience shall conduct on-site sampling near the adjacent City-operated parking structure in order to confirm whether or not any off-site hazardous materials have migrated into on-site soil/soil gas at the project site, that which presents a concern to the public or the environment.
- HAZ-2 Prior to issuance of a grading permit, a Soil Management Plan (SMP) shall be prepared by a qualified environmental professional with Phase II/Site Characterization experience. Any results and/or recommendations from Mitigation Measure HAZ-1 shall be incorporated into the SMP. The SMP shall present procedures for the excavation and



construction contractors to use in the event that unknown structures (i.e., underground storage tanks, sumps, etc.) or soil contamination are encountered during demolition, excavations, grading, or any other soil disturbance activities. The SMP shall provide guidance for the characterization, proper handling, and management of impacted or suspected impacted soil that may be encountered. The SMP shall also include a decision framework and specific risk management measures for characterization, proper handling, and management of impacted or suspected impacted soil, including any soil import/export activities, in a manner protective of human health and consistent with applicable regulatory requirements. The SMP shall be made available to the contractor and the City Engineer for use during grading activities.

- HAZ-3 Prior to demolition of existing structures (including piping materials), the project Applicant shall retain a qualified specialists or contractors who have completed a current U.S. Environmental Protection Agency (EPA)-approved Building Inspector Course to conduct surveys of asbestos-containing materials (ACMs), lead-based paints (LBP), and polychlorinated biphenyls (PCBs) to be conducted by, and submitted to the County of San Diego, Department of Environmental Health and Quality, Hazardous Materials Division (HMD) for review and comment, and to the City Engineer for approval, prior to demolition of existing structures (including piping materials).

Specifically, if ACMs are located, abatement of asbestos would be required to be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by qualified specialists or contractors who have completed a current EPA-approved Building Inspector Course in accordance with the San Diego Air Pollution Control District (SDAPCD) Rule 1206. If more than 100 square feet of ACMs would be disturbed or demolition would occur, a notification shall be submitted to SDAPCD, and procedures for asbestos emission control and waste handling and disposal must be in compliance with SDAPCD Rule 1206.

If LBPs are found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or a fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulations (CCR) Title 8, Section 1532.1, which specifies exposure limits, specifies exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead.

Specialists or contractors performing ACM, LBP, and/or PCB removal shall provide evidence of abatement activities to the HMD and City Engineer. The project Applicant would be required to inform the City Engineer, via the monthly compliance report, of the date when all ACMs, LBPs, and/or PCBs are removed from the site, if applicable.

- HAZ-4 Prior to issuance of building permits, the project Applicant shall provide verification documentation to the City Engineer, demonstrating that any proposed elevator shaft(s) for the subterranean parking garage are properly sealed to prevent any potential vapor intrusion into the proposed structures that could then be delivered to the upper floors of the overlying buildings.



Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

CUMULATIVE The project combined with other cumulative projects could create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.7, *Hazards and Hazardous Materials*, and in particular, on pages 5.7-18 and 5.7-19 of the Draft EIR.

Cumulative projects that may interfere with an adopted emergency response or evacuation plan would be required to go through CEQA clearance to ensure that surrounding roadways would remain open and emergency access in the site vicinity would not be impacted. Further, compliance with the laws and regulations established by the HMD, San Diego Regional Board, DTSC, DOT, Caltrans, and Cal/OSHA, among others, would minimize these cumulative impacts. As discussed above, the proposed project would not result in significant impacts through interference with an adopted emergency response or evacuation plan, although temporary lane closure along Seagaze Drive, South Tremont Street, and Missouri Avenue may be required during project construction. While temporary lane closures may be required, travel along surrounding roadways would remain open and would not interfere with emergency access in the site vicinity. Specifically, the project would not require temporary lane closure along I-5, Coast Highway, or SR-76, all of which are either designated as relocation routes in the General Plan or as primary transportation routes for evacuation efforts in the City's EOP. Additionally, as discussed under Impact Statement TRA-1, the project would be required to implement Mitigation Measure TRA-1 prepare a CMP. The CMP would require the construction contractor to coordinate with the Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures would not impact operations of adjacent uses or emergency access. Additionally, project operations would not adversely affect existing emergency service operations in the City. Emergency access to the site would be provided from a number of roadways. Specifically, emergency accessways are proposed at the intersection of Tremont Street and Topeka Street and the intersection of Cleveland Street and Topeka Street in the center of the site; at the intersection of Tremont Street and Michigan Avenue in the southern portion of the site; and at the intersection of Cleveland Street and Missouri Avenue at the southern end of the site. With implementation of Mitigation Measure TRA-1 and adherence to mandatory emergency access requirements, project construction and operational impacts in this regard would be reduced to less than significant levels, and the project would not significantly contribute to a cumulatively considerable impact in this regard.

Mitigation Measures:



TRA-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, the construction contractor shall prepare a Construction Management Plan (CMP) to be submitted for review and approval by the City Director of Public Works. The requirement for a CMP shall be incorporated into the project specifications and subject to verification by the City Director of Public Works prior to final plan approval. The CMP shall include, at a minimum, the following measures, which shall be implemented during all construction activities:

- Meet the standards established in the current *California Manual on Uniform Traffic Control Devices* (MUTCD) as well as all applicable City requirements pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary lane closures. The plan shall also detail plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.
- Identify traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to efficiently enter and exit the site and maintain emergency access to the site and surrounding area.
- Should project construction activities require temporary vehicle lane and/or sidewalk closures, the construction contractor shall coordinate with the City Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.
- Identify the routes that construction vehicles must utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project. Require all construction vehicles to carry the required hauling permits and use the most direct route per approval by the City Director of Public Works.
- Require the construction contractor to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The construction contractor shall clean adjacent streets, as directed by the City Director of Public Works, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City



of Oceanside hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

5. Noise

NOI-1 Construction-related activities and operations within the project area could result in temporary and permanent noise impacts to nearby noise sensitive receivers.

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

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.12, *Noise*, and in particular, on pages 5.12-14 through 5.12-17 of the Draft EIR.

SHORT-TERM CONSTRUCTION NOISE IMPACTS

The proposed project involves demolishing the existing structures and construction of a mixed-use transit-oriented community with office, retail, hotel, transit, community facilities, and multi-family residential uses, as well as public and private open space and associated parking and landscaping. Construction of the project would involve: two months of demolition, two months of grading, one month of paving, 25 and half months of building construction, and 12 months of painting. Several phases would overlap. The total development would take approximately 31 months in total.

Construction Equipment Noise Impacts

Construction activities would generate perceptible noise levels during the demolition, grading, paving, building construction, and architectural coating phases. High groundborne noise levels and other miscellaneous noise levels can be created by the operation of heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, scrapers, and other heavy-duty construction equipment. Draft EIR Table 5.12-7, *Maximum Noise Levels Generated by Construction Equipment*, indicates the anticipated noise levels of construction equipment.



Table 5.12-7
Maximum Noise Levels Generated by Construction Equipment

Equipment Type	Actual L_{max} at 50 Feet (dBA)	L_{max} at 100 Feet (dBA)
Backhoe	78	72
Compressor	78	72
Concrete Mixer Truck	79	73
Concrete Saw	90	84
Crane	81	75
Dozer	82	76
Dump Truck	76	70
Excavator	81	75
Flatbed Truck	74	68
Forklift	75	69
Grader	85	79
Loader	79	73
Paver	77	71
Roller	80	74
Scraper	85	79
Slurry Trenching Machine	80	74
Tractor	84	78
Water Truck	80	74
Welder	74	68

Note:

1. Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.

2. These noise levels represent the A-weighted maximum sound level (L_{max}) measured at a distance of 50 feet from the construction equipment.

Source: Federal Highway Administration, *Roadway Construction Noise Model (FHWA-HEP-05-054)*, January 2006.

The primary construction equipment noise sources used during construction would be during demolition (use of concrete saws, excavators, and dozers), earthwork activities (use of excavators, graders, dozers, loaders, slurry trenching machine, and scrapers), and building construction (use of cranes, loaders, and welders). Concrete saws typically generate the highest noise levels, emitting approximately 90 A-weighted decibel (dBA) at 50 feet. Point sources of noise emissions are atmospherically attenuated by a factor of 6 dBA per doubling of distance. This assumes a clear line-of-sight and no other machinery or equipment noise that would mask project construction noise. The shielding of buildings and other barriers that interrupt line-of-sight conditions further reduce noise levels from point sources.

Construction noise impacts generally happen when construction activities occur in areas immediately adjoining noise sensitive land uses, during noise sensitive times of the day, or when construction durations last over extended periods of time. The nearest sensitive receptors are the single-family residences that are located adjacent to the east of the project site, and along Cleveland Street from Missouri Avenue to Wisconsin Avenue. These sensitive receptors may be exposed to elevated noise levels during project construction. However, the project construction activities would adhere to the standards set forth by the City's Noise Ordinance Section 38.17, *Specific Noise Prohibited*, and the City of Oceanside Engineering Design Manual (EDM). In accordance with these regulations, construction activities would be limited to normal working hours (7:00 a.m. to 6:00 p.m. Monday through Friday). The General Plan prohibits any person to operate any powered construction equipment if the



operation of such equipment emits noise at a level in excess of 85 A-weighted decibel scale (dBA) when measured within a radius of 100 feet from such equipment. As seen in Table 5.12-7, the loudest piece of equipment would operate at a maximum noise level of 84 dBA at 100 feet from the source. Therefore, construction noise levels would not exceed the City's General Plan threshold of 85 dBA at 100 feet. The project would be required to comply with these allowable hours for construction. Although construction noise is allowed during the City's allowable construction hours, the project could expose the closest sensitive receptors (i.e., residential uses) to temporary high noise levels. Therefore, the project would be required to implement Mitigation Measure NOI-1 to reduce construction noise levels. Mitigation Measure NOI-1 would require all construction equipment to be equipped with properly operating and maintained mufflers, locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified for construction equipment (7:00 a.m. to 6:00 p.m. Monday through Friday). Therefore, short-term construction noise impacts would be less than significant with implementation of Mitigation Measure NOI-1.

Construction Trips Noise Impacts

Construction activities would also cause increased noise along access routes to and from the site due to movement of equipment and workers, as well as haul trips. According to the CalEEMod defaults included in Draft EIR Appendix 11.10, *Noise Data*, it is anticipated that project construction would generate a maximum of 810 hauling trips per day during the grading phase, 807 worker trips per day during the building construction phase, and 224 vendor trips per day during the building construction phase. As a result, mobile source noise would increase along access routes to and from the project site during construction. However, mobile traffic noise from construction trips would be temporary and would cease upon project completion.

According to Caltrans, a doubling of traffic (100 percent increase) on a roadway would result in a perceptible increase in traffic noise levels (3 dBA). According to the Transportation Analysis, the existing average daily trips along access roadways to the project site (Tremont Street, Missouri Avenue, and Seagaze Drive) range between 900 and 3,600 trips per day. Although the project's construction trips would potentially double existing traffic volumes, the traffic noise levels along these roadways would not exceed the City's 60 dBA community noise equivalent level (CNEL) "clearly compatible" standard. Therefore, short-term haul truck noise impacts from construction traffic would be less than significant.

LONG-TERM OPERATIONAL NOISE IMPACTS

Stationary noise sources associated with the proposed project would include mechanical equipment, slow moving trucks, bus transfer center activities, parking activities, and outdoor gathering areas. These noise sources are typically intermittent and short in duration and would be comparable to existing sources of noise experienced in the site vicinity.

Heating, ventilation, and air conditioning (HVAC) noise levels would not exceed the City's daytime (i.e., 50 dBA) or nighttime (i.e., 45 dBA) exterior noise standards for medium density residential uses. In addition, the noise level from HVAC would not exceed the existing ambient noise levels and



therefore would not be perceptible. Thus, impacts associated with HVAC noise levels would be less than significant.

For operations, the community room would have a maximum capacity of 100 people, operate between the hours of 7 a.m. to 10 p.m., seven days a week. Stationary noise sources, such as an HVAC system, would be enclosed within the parking structure. No new substantial noise sources would result from the new community room. Thus, impacts associated with the community room would be less than significant.

Noise levels associated with slow-moving trucks would be imperceptible at the nearest sensitive receptor (i.e., residential uses). Noise associated with deliveries and trash/recycling pickups would be consistent with the existing noise environment, as these activities already occur at the existing uses in the surrounding area. Additionally, slow-moving truck noise would be intermittent, short in duration, and would not generate excessive noise levels over an extended period of time. Impacts resulting from truck delivery activities would be less than significant.

The proposed project would relocate the bus transfer center to southern portion of the project site. At the distance of 70 and 95 feet, noise levels from buses operating at the bus station would be approximately 52 and 49 dBA, respectively, which would not exceed the City's 55 and 50 dBA daytime exterior noise standards for high density residential uses and medium density residential uses, respectively. The City's nighttime exterior noise standard does not apply as the commuter buses would only operate during daytime. In addition, bus transfer center noise would not exceed the existing ambient noise levels and therefore would not be perceptible. Impacts would be less than significant in this regard.

The redistribution of buses due to the bus transfer center relocation would not result in any increased impacts to noise. Potential noise impacts from the relocated bus transfer center location were considered in the Draft EIR. As analyzed in Draft EIR Section 5.12, *Noise* (page 5.12-25), typical noise level at bus stops, measured at 1 foot from the curb, is up to 89 A-weighted decibel scale (dBA). The closest sensitive receptors from the relocated bus transfer center are multi-family residences (zoned D-5, High Density Residential) located to the south of the project site, approximately 70 feet from the proposed bus transfer station. It is also acknowledged that there are additional multi-family residences (zoned R-3, Medium Density Residential) located approximately 95 feet from the proposed bus transfer center. At the distance of 70 and 95 feet, noise levels from buses operating at the bus station would be approximately 52 and 49 dBA, respectively, which would not exceed the City's 55 and 50 dBA daytime exterior noise standards for high density residential uses and medium density residential uses, respectively; refer to Draft EIR Table 5.12-6, *Sound Level Limits (Decibels)* (page 5.12-11). The City's nighttime exterior noise standard does not apply as the commuter buses would only operate during daytime. In addition, bus transfer center noise would not exceed the existing ambient noise levels currently experienced in the area (55.2 dBA measured at the corner of Missouri Avenue and Tremont Street on October 26, 2022) and therefore would not be perceptible; refer to Draft EIR Table 5.12-3, *Noise Measurements* (page 5.12-6). It should be noted that the bus stops reference noise level data was collected from a field measurement, which included noise generated from buses decelerating, braking, idling, accelerating, and from bus ingress and egress at the site. Buses traveling along Missouri Avenue would either be about to enter the transfer center, or just leave the transfer center, which would involve deceleration or acceleration, similar to bus operations at bus stops. In addition, traffic noise analysis included in the Draft EIR took into account the fleet mix of ADT. As



shown in Appendix 11.10 of the Draft EIR, traffic noise modeling assumed 2.5 percent of the ADT as medium- and heavy-duty trucks, which is equivalent to 204 trips out of the project's total daily gross trips of 8,163. According to Stantec, there would be a re-distribution of 180 existing bus trips per day, and bus trips were considered in the Transportation Analysis. Due to the lack of commercial or industrial uses along Michigan Avenue and Missouri Avenue south of Tremont Street, there would be no truck trips along this roadway segment. As traffic noise from buses is similar to trucks, the modeled 2.5 percent of trucks adequately represent traffic noise from buses. It should be noted that the project would primarily route traffic along Missouri Avenue, Michigan Avenue, and Seagaze Drive south of Tremont Street, and there are no sensitive uses along these segments. The nearest sensitive receptors would be in proximity to the relocated bus transfer center at the southern portion of the project site, which is analyzed above. Impacts would be less than significant in this regard.

The nearest sensitive receptors (i.e., residential uses, zoned R-3, Medium Density Residential) are located approximately 60 feet from the proposed rooftop amenity area of Residential Building 2 at Block 4. Therefore, crowd noise at the nearest sensitive receptors would be approximately 37 dBA and would not exceed the City's daytime (i.e., 50 dBA) or nighttime (i.e., 45 dBA) exterior noise standards for medium density residential uses. In addition, crowd noise would not exceed the existing ambient noise levels and therefore would not be perceptible. Impacts would be less than significant in this regard.

The project would propose a parking garage providing public and private parking, and above- and below-grade parking stalls under the hotel and residential buildings. The parking structure and ground parking level under the hotel and residential buildings would have intermittent parking lot noise due to the movement of vehicles. Noise generated in the subterranean parking structures would be inaudible at off-site uses as the structure would be completely enclosed underground. The entrances to the parking structures are located along Missouri Avenue, Michigan Avenue, West Topeka Street, and Seagaze Drive. The noise level from parking activities would be partially masked by background noise from traffic along the surrounding roadways. Furthermore, parking lot noise currently occurs in the project vicinity under existing conditions. Therefore, parking lot noise associated with the project is not expected to exceed the City's noise standards and would not introduce a new noise source compared to existing conditions. Impacts would be less than significant in this regard.

Overall, impacts related to long-term operational noise would be less than significant.

Mitigation Measures:

- NOI-1 To reduce noise impacts due to construction, the project Applicant shall demonstrate to the satisfaction of the City Development Services Department Director that the project complies with the following:
- Prior to construction, written notification to residents within 500 feet of the proposed facilities undergoing construction shall be provided, identifying the type, duration, and frequency of construction activities. Notification materials shall also identify a mechanism for residents to register complaints with the City if construction-related noise impacts should occur
 - All equipment and trucks used for project construction shall use the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine



enclosures and acoustically attenuating shields or shrouds) and be maintained in good operating condition to minimize construction noise impacts. All internal combustion engine-drive equipment shall be fitted with intake and exhaust mufflers which are in good condition

- Place noise-generating construction equipment and construction staging areas away from sensitive uses to the extent feasible.
- Construction activities shall occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, pursuant to Section 38.17, *Special Noise Prohibited*, of the Municipal Code.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday). The haul routes shall be designed to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the City of Oceanside Development Services Department Director.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

NOI-2 Project implementation could result in adverse vibration impacts to nearby sensitive receptors and structures.



Applicable Threshold of Significance: Generate excessive groundborne vibration or groundborne noise levels?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.12, *Noise*, and in particular, on pages 5.12-18 through 5.12-21 of the Draft EIR.

SHORT-TERM CONSTRUCTION

Project construction would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment.

As shown in Draft EIR Table 5.12-2, *Human Reaction and Damage to Buildings from Continuous Vibration Levels*, Caltrans has published reactions of people and the effects on buildings produced by continuous vibration levels. Based on Draft EIR Table 5.12-2, there is a risk of architectural damage to normal dwellings at 0.2 inches per second (in/sec) peak particle velocity (PPV). Further, Table 5.12-2 notes that vibrations may begin to annoy people at 0.2 in/sec PPV. Thus, for the purposes of this analysis, 0.2 in/sec PPV is utilized for the human annoyance and building damage groundborne vibration threshold. The typical vibration produced by construction equipment is illustrated in Draft EIR Table 5.12-8, *Typical Vibration Levels for Construction Equipment*.

Based on the project site plan, pile drivers would be used as close as 20 feet to the nearest structure (i.e., single-family residence) to the east of the project site, and vibratory rollers and other types of equipment would be used as close as 20 feet to the nearest structure. As indicated in Table 5.12-8, vibration velocities from vibratory roller and pile driver operations would be 2.348 in/sec PPV at 5 feet from the source of activity, and 2.122 in/sec PPV at 20 feet from the source activity, respectively. Vibration velocities from other typical heavy construction equipment that would be used during project construction range from 0.033 to 0.995 in/sec PPV at 5 feet from the source of activity. Therefore, the human annoyance and building damage threshold criteria (i.e., 0.2 in/sec PPV) would be exceeded. As such, Mitigation Measure NOI-2 would be required to reduce vibration velocities to



below the Federal Transit Administration's (FTA's) 0.2 in/sec PPV threshold. Mitigation Measure NOI-2 is directly related to vibration control and requires a qualified professional to prepare construction vibration control plans to utilize pneumatic impact equipment. As shown in Draft EIR Table 5.12-9, *Construction Buffer Zone Vibration Levels*, heavy-duty construction equipment operating outside of the construction buffer zone would not exceed the FTA's 0.2 in/sec PPV threshold. Therefore, groundborne vibration impacts would be less than significant with the implementation of Mitigation Measure NOI-2.

Table 5.12-8
Typical Vibration Levels for Construction Equipment

Equipment	Approximate peak particle velocity at 25 feet (Inch/second)	Approximate peak particle velocity at 20 feet (Inch/second)	Approximate peak particle velocity at 5 feet (Inch/second)
Pile Driver (Impact – Upper Range)	1.518	2.122	-
Pile Driver (Sonic – Upper Range)	0.734	1.026	-
Vibratory roller	0.210	0.294	2.348
Large bulldozer	0.089	0.124	0.995
Loaded trucks	0.076	0.106	0.850
Jackhammer	0.035	0.049	0.391
Small bulldozer	0.003	0.004	0.033

Notes:

1. Calculated using the following formula:

$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$

where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
PPV (ref) = the reference vibration level in in/sec from Table 12-2 of the FTA *Transit Noise and Vibration Impact Assessment Manual*
D = the distance from the equipment to the receiver

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

Table 5.12-9
Construction Buffer Zone Vibration Levels

Equipment	Nearest Distance of Heavy-Duty Construction Equipment Activity to Northern and Eastern Structures (feet)	Peak Particle Velocity (In/sec) ¹
Pile Driver (Impact – Upper Range)	97	0.2
Pile Driver (Sonic – Upper Range)	59	0.2
Vibratory Roller	26	0.2
Large Bulldozer	15	0.2
Loaded Trucks	13	0.2
Jackhammer	8	0.2
Small Bulldozer	2	0.2

Notes:



2. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance PPV (ref) = the reference vibration level in in/sec from Table 12-2 of the FTA <i>Transit Noise and Vibration Impact Assessment Manual</i> D = the distance from the equipment to the receiver Source: Federal Transit Administration, <i>Transit Noise and Vibration Impact Assessment Manual</i>, September 2018.
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LONG-TERM OPERATIONS

The project would involve a mixed-use transit-oriented community that would not generate groundborne vibration that could be felt by surrounding uses. The project operation would not involve railroads or substantial heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. Thus, no impact would occur in this regard.

Mitigation Measures:

- NOI-2 The project Applicant shall incorporate the following measures on all grading and building plans and specifications subject to approval of the City's Building Division prior to issuance of a demolition or grading permit (whichever occurs first):
- Construction equipment shall not approach the construction buffer zone adjacent to existing structures adjoining the project site to the north and east. The buffer zone shall be tiered based on distances established in the table below.

Equipment	Nearest Distance of Heavy-Duty Construction Equipment Activity to Northern and Eastern Structures (feet)	Peak Particle Velocity (in/sec)
Pile Driver (Impact – Upper Range)	97	0.2
Pile Driver (Sonic – Upper Range)	59	0.2
Vibratory Roller	26	0.2
Large Bulldozer	15	0.2
Loaded Trucks	13	0.2
Jackhammer	8	0.2
Small Bulldozer	2	0.2

As shown in the table above, impact pile drivers shall not operate within 97 feet, sonic pile drivers shall not operate within 59 feet, vibratory rollers shall not operate within 26 feet, large bulldozers shall not operate within 15 feet, and loaded trucks shall not operate within 13 feet of the structures adjoining the project site to the north and east. The buffer zone shall be in enforced between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, pursuant to Section 38.17, *Special Noise Prohibited*, of the Municipal Code.



- When the use of pile driver and vibratory roller cannot be avoided, the following measures should be taken:
 - Non-Impact Piles or Cast in Drilled Hole (CIDH) piles: Using the soil-mix or CIDH method would reduce the vibration below the FTA Criteria. This method is recommended for homes which would be within 75 feet of pile driving.
 - Reduced Impact Pile Driving Time: Limiting the hours per day of impact pile driving would reduce the equivalent noise level and would reduce potential work interference.
 - Excessive Vibration: if pile driving amplitudes exceed the building threshold criteria, cosmetic repair work may be required at nearby buildings. A detailed preconstruction crack survey will be conducted at homes and businesses where these criteria are expected to be exceeded. Vibration monitoring, crack monitors and photo documentation will be employed at these locations during pile driving activity.
 - Relocating items on shelves: since items on shelves and walls may move during pile driving activity, nearby residents will be advised through the community outreach process that they should move fragile and precious items off of shelves and walls for the duration of the impact pile driving. Achievement of standards for building damage would not eliminate annoyance, since the vibration would still be quite perceptible.
 - Advance Notification (Work Interference): The impact pile driving vibration may cause interference with persons working at home or the office on their computers. Nearby residents and businesses will be advised in advance of times when piles would drive, particularly piles within 100 feet of any occupied building, so that they may plan accordingly, if possible.
 - Notification of Pile Driving Schedule: Nearby residents and businesses will be notified of the expected pile driving schedule. In particular, these notification should be made with home-bound residents, homes where there is day-time occupancy (e.g., work at home, stay-at-home parents) and offices/commercial businesses where extensive computer/video monitor work is conducted.
- The project Applicant shall utilize a construction vibration monitoring system with the potential to measure low levels of vibration to ensure vibration levels do not exceed the FTA's 0.2 inch-per-second PPV threshold.
- The project Applicant shall conduct sensitivity training to inform construction personnel about the existing sensitive receptors surrounding the project and about methods to reduce noise and vibration.



- Alternatively, if the above measures are deemed infeasible by the City's Building Division, the project Applicant shall require by contract specifications that a certified structural engineer and/or geologist be retained to submit evidence that the operation of vibration-generating equipment associated with the project would not result vibration levels exceeding the FTA's 0.2 inch-per-second PPV threshold. Contract specifications shall be included in the project construction documents, which shall be reviewed by the City prior to issuance of a demolition or grading permit (whichever occurs first). The documents shall include provisions for vibration monitoring during the operation of heavy-duty construction equipment, as well as include provisions to ensure vibration levels do not exceed 0.2 inch-per-second PPV at the structures adjoining the project site to the north and east.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Construction-related activities within the project area could result in significant temporary noise impacts to nearby noise sensitive receivers.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.12, *Noise*, and in particular, on pages 5.12-26 and 5.12- 27 of the Draft EIR.

SHORT-TERM CONSTRUCTION

Construction activities associated with the proposed project and cumulative projects may overlap, resulting in construction noise in the site vicinity. However, construction noise primarily affects the areas immediately adjacent to a construction site. The closest cumulative project is a four unit condominium building (146 South Myers Street), located approximately 118 feet west of the project site. However, this project is currently under construction and would not have the ability to cumulatively result in temporary noise impacts along with the project (as construction would be complete prior to construction of the project). The next closest cumulative project is a 332-unit mixed-use development (402 Mission Avenue), located approximately 500 feet north of the project site. Due to the distance and intervening structures, cumulative construction noise impacts would not occur. Additionally, the proposed project and all cumulative projects within the City would be required to comply with the City's noise standards and allowable hours of construction. The proposed project would also implement Mitigation Measure NOI-1 to reduce construction noise impacts to less than significant levels. Therefore, the project's contribution to cumulative noise impacts would be less than significant.



LONG-TERM OPERATIONS

The cumulative mobile noise analysis is conducted in a two-step process. First, the combined effects from both the proposed project and other related projects are compared. Second, for combined effects that are determined to be cumulatively significant, the project's incremental effects then are analyzed. The project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The combined effect compares the "Future With Project" condition to "Existing" conditions. This comparison accounts for the traffic noise increase from the project generated in combination with traffic generated by projects in the cumulative projects list.

A significant impact would result only if both the combined (including an exceedance of the applicable exterior standard at a sensitive use) and incremental effects criteria have been exceeded. Noise by definition is a localized phenomenon, and reduces as distance from the source increases. Consequently, only the proposed project and growth due to projects occurring in the project site's general vicinity would contribute to cumulative noise impacts. Draft EIR Table 5.12-12, *Cumulative Noise Scenario*, lists the traffic noise effects along roadway segments in the project vicinity for "Existing," "Future Without Project," and "Future With Project" conditions, including incremental and net cumulative impacts.

As indicated in Table 5.12-12, the Incremental Effects criterion of 1.0 dBA and the Combined Effects criterion of 3.0 dBA would be exceeded along Tremont Street Between Michigan Avenue and Missouri Avenue. Although both the combined and incremental effects criteria would be exceeded, cumulative traffic noise levels along Tremont Street would not exceed the City's sensitive use exterior noise standards (i.e. 60 dBA CNEL). Therefore, the proposed project, in combination with cumulative background traffic noise levels, would result in less than significant impacts.

Although related projects have been identified within the project area, the noise generated by stationary equipment on-site cannot be quantified due to the speculative nature of each development. Nevertheless, each cumulative project would require separate discretionary approval and project-specific environmental analysis, which would address potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities. The closest cumulative project is a four-unit condominium building (146 South Myers Street), located approximately 118 feet west of the project site. However, due to the size of this project (four residential units), the operational noise is anticipated to be similar to the existing condition. As such, the project would not result in a cumulatively considerable impact along with this adjacent future four-unit condominium development. The next closest cumulative project is a 332-unit mixed-use development (402 Mission Avenue), located approximately 500 feet north of the project site. Due to the distance and intervening structures, cumulative stationary noise impacts would not occur. As noted above, the proposed project would not result in significant stationary noise impacts that would significantly affect surrounding sensitive receptors. Thus, the proposed project and identified cumulative projects are not anticipated to result in a significant cumulative impact in this regard.



Mitigation Measure:

NOI-1 To reduce noise impacts due to construction, the project Applicant shall demonstrate to the satisfaction of the City Development Services Department Director that the project complies with the following:

- Prior to construction, written notification to residents within 500 feet of the proposed facilities undergoing construction shall be provided, identifying the type, duration, and frequency of construction activities. Notification materials shall also identify a mechanism for residents to register complaints with the City if construction-related noise impacts should occur
- All equipment and trucks used for project construction shall use the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) and be maintained in good operating condition to minimize construction noise impacts. All internal combustion engine-drive equipment shall be fitted with intake and exhaust mufflers which are in good condition
- Place noise-generating construction equipment and construction staging areas away from sensitive uses to the extent feasible.
- Construction activities shall occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, pursuant to Section 38.17, *Special Noise Prohibited*, of the Municipal Code.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday). The haul routes shall be designed to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the City of Oceanside Development Services Department Director.



Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Project implementation could result in significant vibration impacts to nearby sensitive receptors and structures.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.12, *Noise*, and in particular, on page 5.12-27 of the Draft EIR.

Project operational activities would not generate substantial groundborne vibration, and with the implementation of Mitigation Measure NOI-2, project construction activities would not generate groundborne vibration on-site above the significance criteria (i.e., 0.2 in/sec PPV threshold as established by Caltrans). Groundborne vibration generated from cumulative development projects would be required to implement any required mitigation measures on a project-by-project basis, as applicable, pursuant to CEQA provisions. Therefore, the project's contribution to cumulative vibration impacts would be less than significant.

Mitigation Measure:

NOI-2 The project Applicant shall incorporate the following measures on all grading and building plans and specifications subject to approval of the City's Building Division prior to issuance of a demolition or grading permit (whichever occurs first):

- Construction equipment shall not approach the construction buffer zone adjacent to existing structures adjoining the project site to the north and east. The buffer zone shall be tiered based on distances established in the table below.

Equipment	Nearest Distance of Heavy-Duty Construction Equipment Activity to Northern and Eastern Structures (feet)	Peak Particle Velocity (in/sec)
Pile Driver (Impact – Upper Range)	97	0.2
Pile Driver (Sonic – Upper Range)	59	0.2
Vibratory Roller	26	0.2
Large Bulldozer	15	0.2
Loaded Trucks	13	0.2
Jackhammer	8	0.2
Small Bulldozer	2	0.2



As shown in the table above, impact pile drivers shall not operate within 97 feet, sonic pile drivers shall not operate within 59 feet, vibratory rollers shall not operate within 26 feet, large bulldozers shall not operate within 15 feet, and loaded trucks shall not operate within 13 feet of the structures adjoining the project site to the north and east. The buffer zone shall be in enforced between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, pursuant to Section 38.17, *Special Noise Prohibited*, of the Municipal Code.

- When the use of pile driver and vibratory roller cannot be avoided, the following measures should be taken:
 - Non-Impact Piles or Cast in Drilled Hole (CIDH) piles: Using the soil-mix or CIDH method would reduce the vibration below the FTA Criteria. This method is recommended for homes which would be within 75 feet of pile driving.
 - Reduced Impact Pile Driving Time: Limiting the hours per day of impact pile driving would reduce the equivalent noise level and would reduce potential work interference.
 - Excessive Vibration: if pile driving amplitudes exceed the building threshold criteria, cosmetic repair work may be required at nearby buildings. A detailed preconstruction crack survey will be conducted at homes and businesses where these criteria are expected to be exceeded. Vibration monitoring, crack monitors and photo documentation will be employed at these locations during pile driving activity.
 - Relocating items on shelves: since items on shelves and walls may move during pile driving activity, nearby residents will be advised through the community outreach process that they should move fragile and precious items off of shelves and walls for the duration of the impact pile driving. Achievement of standards for building damage would not eliminate annoyance, since the vibration would still be quite perceptible.
 - Advance Notification (Work Interference): The impact pile driving vibration may cause interference with persons working at home or the office on their computers. Nearby residents and businesses will be advised in advance of times when piles would drive, particularly piles within 100 feet of any occupied building, so that they may plan accordingly, if possible.
 - Notification of Pile Driving Schedule: Nearby residents and businesses will be notified of the expected pile driving schedule. In particular, these notification should be made with home-bound residents, homes where there is day-time occupancy (e.g., work at home, stay-at-home parents) and offices/commercial businesses where extensive computer/video monitor work is conducted.



- The project Applicant shall utilize a construction vibration monitoring system with the potential to measure low levels of vibration to ensure vibration levels do not exceed the FTA's 0.2 inch-per-second PPV threshold.
- The project Applicant shall conduct sensitivity training to inform construction personnel about the existing sensitive receptors surrounding the project and about methods to reduce noise and vibration.
- Alternatively, if the above measures are deemed infeasible by the City's Building Division, the project Applicant shall require by contract specifications that a certified structural engineer and/or geologist be retained to submit evidence that the operation of vibration-generating equipment associated with the project would not result vibration levels exceeding the FTA's 0.2 inch-per-second PPV threshold. Contract specifications shall be included in the project construction documents, which shall be reviewed by the City prior to issuance of a demolition or grading permit (whichever occurs first). The documents shall include provisions for vibration monitoring during the operation of heavy-duty construction equipment, as well as include provisions to ensure vibration levels do not exceed 0.2 inch-per-second PPV at the structures adjoining the project site to the north and east.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

6. Public Services and Recreation

PSR-2 **Project implementation could result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.**

Applicable Threshold of Significance: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant



environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: police protection?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.14, *Public Services and Recreation*, and in particular, on pages 5.14-13 through 5.14-14 of the Draft EIR.

CONSTRUCTION IMPACTS

The project would not result in the need for the construction of any new or physically altered police protection facilities. As discussed in Draft EIR Section 5.8, *Transportation*, Mitigation Measure TRA-1 would require a CMP, which would require the construction contractor to coordinate with the Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures would not impact operations of adjacent uses or emergency access. Therefore, construction activities would not substantially impact police response times.

OPERATIONAL IMPACTS

The project site is developed with the NCTD transit center and currently receives police protection services from the City of Oceanside Police Department (OPD). As discussed in Draft EIR Section 3.0, *Project Description*, project buildout would result in the construction of up to 547 dwelling units which has the potential to introduce up to 1,466 additional residents to the City. Although the proposed residential development would increase demand for police protection services, the proposed project is not anticipated to result in substantial unplanned population growth; refer to Draft EIR Section 5.13, *Population and Housing*. Ongoing coordination with the OPD, including implementation of Crime Prevention Through Environmental Design (CPTED) and/or optional participation in the San Diego County Crime Free Multi-Housing Program, would further ensure that the new residential population would not increase police response times or calls to service overall.

In the event of an emergency, adequate emergency access to the site would be provided from a number of roadways. Specifically, emergency accessways are proposed at the intersection of Tremont Street and Topeka Street and the intersection of Cleveland Street and Topeka Street in the center of the site; at the intersection of Tremont Street and Michigan Avenue in the southern portion of the site; and at the intersection of Cleveland Street and Missouri Avenue at the southern end of the site.

The project would also be subject to compliance with applicable State and local regulations to reduce impacts to police protection services, including Municipal Code Chapter 32B and 32C, which requires new development to provide funds towards capital improvements for public services including police services. The project would be required to pay applicable developer impact fees in accordance with the City's requirements; as such, operational-related impacts concerning police protection services would be less than significant.

Mitigation Measure:

- TRA-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, the construction contractor shall prepare a Construction Management Plan (CMP) to be submitted for review and approval by the City Director of Public Works. The requirement



for a CMP shall be incorporated into the project specifications and subject to verification by the City Director of Public Works prior to final plan approval. The CMP shall include, at a minimum, the following measures, which shall be implemented during all construction activities:

- Meet the standards established in the current *California Manual on Uniform Traffic Control Devices* (MUTCD) as well as all applicable City requirements pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary lane closures. The plan shall also detail plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.
- Identify traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to efficiently enter and exit the site and maintain emergency access to the site and surrounding area.
- Should project construction activities require temporary vehicle lane and/or sidewalk closures, the construction contractor shall coordinate with the City Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.
- Identify the routes that construction vehicles must utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project. Require all construction vehicles to carry the required hauling permits and use the most direct route per approval by the City Director of Public Works.
- Require the construction contractor to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The construction contractor shall clean adjacent streets, as directed by the City Director of Public Works, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE The project combined with other cumulative projects could create increased demand for police protection services that could cause significant environmental impacts.



Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.14, *Public Services and Recreation*, and in particular, on pages 5.14-17 through 5.4-18 of the Draft EIR.

Cumulative development in the OPD's service area within the City has the potential to result in the need for additional OPD resources (i.e., additional staffing, equipment, expanded/new facilities). However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for police services. Site-specific development would be reviewed by the City and the OPD to determine specific safety requirements applicable to the individual development proposals and to ensure compliance with these requirements under including the 2022 CBC), which includes site access requirement and other relevant safety precautions. In conformance with the General Plan Community Facilities Element, the City would consult with the OFD and OPD or any other emergency response agency during the review of development projects or land use entitlement applications. Similar to the proposed project, each development project is expected to integrate design concepts to reduce the potential of unwanted activity on their respective sites and comply with applicable regulatory requirements related to security and safety during construction and operation.

As concluded in Impact Statement PSR-2, the proposed project is not anticipated to involve significant impacts to police protection services, as the project would not induce substantial population growth. Additionally, Mitigation Measure TRA-1 would require a CMP be prepared and implemented to minimize project-related construction traffic impacts on the local circulation system. Further, the proposed project would conform with the applicable laws, ordinances, and regulations in place for police protection services as detailed above. Therefore, the proposed project would not result in cumulatively considerable impacts to police protection services. Impacts in this regard would be less than significant.

Mitigation Measure:

TRA-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, the construction contractor shall prepare a Construction Management Plan (CMP) to be submitted for review and approval by the City Director of Public Works. The requirement for a CMP shall be incorporated into the project specifications and subject to verification by the City Director of Public Works prior to final plan approval. The CMP shall include, at a minimum, the following measures, which shall be implemented during all construction activities:

- Meet the standards established in the current *California Manual on Uniform Traffic Control Devices* (MUTCD) as well as all applicable City requirements pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary lane closures. The plan shall also detail plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.
- Identify traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to efficiently enter and exit the site and maintain emergency access to the site and surrounding area.



- Should project construction activities require temporary vehicle lane and/or sidewalk closures, the construction contractor shall coordinate with the City Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.
- Identify the routes that construction vehicles must utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project. Require all construction vehicles to carry the required hauling permits and use the most direct route per approval by the City Director of Public Works.
- Require the construction contractor to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The construction contractor shall clean adjacent streets, as directed by the City Director of Public Works, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

7. Transportation

TRA-4 Project implementation could result in inadequate emergency access.

Applicable Threshold of Significance: Result in inadequate emergency access?

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.8, *Transportation*, and in particular, on pages 5.8-20 through 5.8-22 of the Draft EIR.

CONSTRUCTION

Construction activities associated with the project would generate traffic as a result of construction equipment being transported to and from the site, vehicular traffic from construction workers, export of construction debris, and delivery of materials to the site. Staging areas for construction equipment and materials storage would be established on-site. Proposed improvements also include various roadway improvements. Construction activities would not interfere with or impede transit operations, which will maintain full operational capacity throughout the duration of construction.



Construction-related trips associated with trucks and employees commuting to and from the site in the morning and afternoon may result in some minor temporary and short-term impacts to local street traffic along Seagaze Drive, South Tremont Street, and Missouri Avenue. While temporary lane closures may be required, travel along surrounding roadways would remain open and would not interfere with emergency access in the site vicinity. As analyzed in Draft EIR Section 5.9, *Air Quality*, CalEEMod modeling conducted for the proposed project estimates the highest daily traffic expected during project construction would be approximately 810 hauling trips per day during the grading phase, for approximately 44 days. Further, highest daily traffic expected during the building construction phase (approximately 561 days) would be approximately 807 trips for workers commuting to the project site.

Given the amount of traffic anticipated during project construction, the project would be required to implement Mitigation Measure TRA-1, which would require the preparation and implementation of a CMP. The CMP would require the construction contractor to coordinate with the Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures would not impact operations of adjacent uses or emergency access. It should be acknowledged that the project would not require any temporary lane closures along I-5, Coast Highway, or SR-76. Overall, construction-related impacts would be short term and temporary in nature; with implementation of Mitigation Measure TRA-1, construction impacts in this regard would be reduced to less than significant levels.

OPERATIONS

Several relocation routes identified in the General Plan Public Safety Element Figure PS-11, *Relocation Routes & Refugee Centers*, are in proximity to the project site. These relocation routes include SR-76 located to the north; I-5 and Coast Highway located to the east, and Oceanside Boulevard located to the south. Additionally, SR-76 and I-5 are identified as the primary transportation routes for an evacuation effort based on the EOP Annex Q Attachment 2, *Evacuation Route*.

As discussed under Impact Statement HAZ-2, the project proposed a mixed-use transit-oriented development that would not affect the existing emergency service operations in the city. Emergency access to the site would be provided from a number of roadways. Specifically, emergency vehicle accessways are proposed at the intersection of Tremont Street and Topeka Street and on Tremont Street midway between Michigan Avenue and Missouri Avenue. Roadways on-site have been designed to accommodate City fire trucks, including the intersection of Cleveland Street and Topeka Street in the center of the site; at the intersection of Tremont Street and Michigan Avenue in the southern portion of the site; and at the intersection of Cleveland Street and Missouri Avenue at the southern end of the site. Access roadways would be provided with a 50-foot outside and 30-foot inside turning radius and minimum vertical clearance of 13.5 feet. The grade for the roadways would not exceed 12 percent and would all be painted/striped as fire lanes. On-site streets and driveways would be designed per City requirements and reviewed by the Oceanside Fire Department. All future development within the Specific Plan area would be subject to compliance with the existing regulations specified in the California Fire Code, California Building Code, International Fire Code, the Municipal Code, and other applicable life and safety requirements. Final site plans for the project would be subject to review by the Oceanside Fire Department, prior to project development, and subject to approval by the City Traffic Engineer and City Engineer to ensure that the project site maintains adequate emergency



access during project operation. Therefore, project operation would not result in inadequate emergency access, and impacts would be less than significant in this regard.

Mitigation Measures:

- TRA-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, the construction contractor shall prepare a Construction Management Plan (CMP) to be submitted for review and approval by the City Director of Public Works. The requirement for a CMP shall be incorporated into the project specifications and subject to verification by the City Director of Public Works prior to final plan approval. The CMP shall include, at a minimum, the following measures, which shall be implemented during all construction activities:
- Meet the standards established in the current *California Manual on Uniform Traffic Control Devices* (MUTCD) as well as all applicable City requirements pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary lane closures. The plan shall also detail plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.
 - Identify traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to efficiently enter and exit the site and maintain emergency access to the site and surrounding area.
 - Should project construction activities require temporary vehicle lane and/or sidewalk closures, the construction contractor shall coordinate with the City Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.
 - Identify the routes that construction vehicles must utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project. Require all construction vehicles to carry the required hauling permits and use the most direct route per approval by the City Director of Public Works.
 - Require the construction contractor to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The construction contractor shall clean adjacent streets, as directed by the City Director of Public Works, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City



of Oceanside hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Future development, combine with other related projects, could result in inadequate emergency access.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Support for this environmental impact conclusion is included in Draft EIR Section 5.8, *Transportation*, and in particular, on pages 5.8-24 and 5.8-25 of the Draft EIR.

Cumulative projects could result in inadequate emergency access in the area. However, future projects would be required to comply with the City's development review process on a case-by-case basis, including review for compliance with the Municipal Code pertaining to maintaining/providing emergency access. New developments would also be required to comply with all applicable fire and building codes and ordinances for construction and access to the site during both construction and operational phases. Individual projects would be reviewed by the City Engineer and Oceanside Fire Department to determine the specific fire requirements applicable to the specific development and to ensure compliance with these requirements. This would ensure that new developments would provide adequate emergency access to and from each site. Further, the City and Oceanside Fire Department would review any modifications to existing roadways to ensure that adequate emergency access or emergency response would be maintained. Emergency response and evacuation procedures would be coordinated through the City with the Oceanside Fire Department and Caltrans, as needed.

As discussed under Impact Statement TRA-4, the project would be required to implement Mitigation Measure TRA-1, which would require the preparation and implementation of a CMP. The CMP would require the construction contractor to coordinate with the City Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures would not impact operations of adjacent uses or emergency access. It should be acknowledged that the project would not require temporary lane closure along I-5, Coast Highway, and SR-76. Overall, construction-related impacts would be short term and temporary in nature; with implementation of the Mitigation Measure TRA-1, construction impacts in this regard would be reduced to less than significant levels.

As discussed under Impact Statement TRA-4, the project proposed a mixed-use transit-oriented development that would not affect the existing emergency service operations in the city. Emergency access to the site would be provided from a number of roadways. Specifically, emergency vehicle accessways are proposed at the intersection of Tremont Street and Topeka Street and the intersection of Cleveland Street and Topeka Street in the center of the site; at the intersection of Tremont Street and Michigan Avenue in the southern portion of the site; and at the intersection of Cleveland Street and Missouri Avenue at the southern end of the site. Roadways on-site have been designed to accommodate City fire trucks, including Topeka Street and the intersection of Cleveland Street and Topeka Street in the center of the site; at the intersection of Tremont Street and Michigan Avenue in the southern portion of the site; and at the intersection of Cleveland Street and Missouri Avenue at the southern end of the site. Access roadways would be provided with a 50-foot outside and 60-foot inside turning radius. On-site streets and driveways would be designed per City requirements and reviewed by the Oceanside Fire Department. All future development within the Specific Plan area



would be subject to compliance with the existing regulations specified in the California Fire Code, California Building Code, International Fire Code, the Municipal Code, and other applicable life and safety requirements. Final site plans for the project would be subject to review by the Oceanside Fire Department, prior to project development, and subject to approval by the City Traffic Engineer and City Engineer to ensure that the project site maintains adequate emergency access during project operation.

Therefore, through compliance with State, regional, and local standards and regulations, the project would not significantly contribute to a cumulatively considerable impact regarding emergency access. As such, with implementation of Mitigation Measure TRA-1, impacts in this regard would be reduced to less than significant levels.

Mitigation Measure:

TRA-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, the construction contractor shall prepare a Construction Management Plan (CMP) to be submitted for review and approval by the City Director of Public Works. The requirement for a CMP shall be incorporated into the project specifications and subject to verification by the City Director of Public Works prior to final plan approval. The CMP shall include, at a minimum, the following measures, which shall be implemented during all construction activities:

- Meet the standards established in the current *California Manual on Uniform Traffic Control Devices* (MUTCD) as well as all applicable City requirements pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary lane closures. The plan shall also detail plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.
- Identify traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to efficiently enter and exit the site and maintain emergency access to the site and surrounding area.
- Should project construction activities require temporary vehicle lane and/or sidewalk closures, the construction contractor shall coordinate with the City Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.
- Identify the routes that construction vehicles must utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project. Require all construction vehicles to carry the required hauling permits and use the most direct route per approval by the City Director of Public Works.
- Require the construction contractor to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The construction contractor shall clean adjacent streets, as directed by the City Director



of Public Works, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Oceanside hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

D. FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS

Compliance with existing regulations and the specific mitigation measures summarized above would reduce project impacts to less than significant levels and no significant unavoidable impacts would result.

E. FINDINGS ON RECIRCULATION

CEQA Guidelines Section 15088.5(a) requires a lead agency to “recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

Comment letters received on the Draft EIR and responses to those comment letters provided in the Final EIR do not identify any significant new information requiring recirculation. As a result, pursuant to *CEQA Guidelines* Section 15088.5, a recirculation of the Draft EIR is not required.

F. FINDINGS ON PROJECT ALTERNATIVES

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. As discussed above, upon compliance with existing regulations and mitigation measures, project implementation would not result in any significant and unavoidable impacts.

The Draft EIR analyzed three alternatives to the proposed project that could avoid or substantially lessen the project’s potentially significant impacts.

1. “No Project” Alternative

The “No Project” Alternative assumes the circumstance under which the proposed project does not proceed, and the project site’s current General Plan land use designations and zoning remain as is. Given that the site is currently developed with uses consistent with the existing land use designations



and zoning (i.e., the NCTD transit center facilities), it is reasonably expected that buildout of the site under existing designations and zoning would be the existing NCTD facilities. Thus, the “No Project” Alternative is essentially a ‘no build’ alternative wherein the existing environmental setting is maintained. Specifically, the site would continue to operate as the NCTD transit center, consisting of train platforms, NCTD satellite offices, and surface parking lots. The existing structures on-site would remain and no new development would occur.

Conclusion:

The No Project Alternative would lessen environmental impacts in the areas of biological resources, tribal and cultural resources, geology and soils, hazards and hazardous materials, air quality, greenhouse gas emissions, energy, noise, population and housing, and utilities and services systems. Weighing the tradeoffs between the proposed project and the No Project Alternative in regard to land use and planning, aesthetics, hydrology and water quality, and public services and recreation, this alternative would result in similar impacts. Impacts related to transportation would be greater.

The “No Project” Alternative would not meet any of the project’s basic objectives. This alternative would not promote economic development in the coastal zone; support public transit through transit-oriented development; improve connectivity and linkages between downtown and residential neighborhoods; increase available housing supply; provide new infrastructure and public services; increase off-site storm drain capacity to reduce flooding; provide compatible and improved community character; establish development standards and design guidelines that support mixed-use development; or accommodate phased development of the site.

Finding:

This alternative is rejected because it would not accomplish any of the objectives of the proposed project. The findings of the proposed project set forth in this document provide support for the proposed project and the elimination of this alternative from further consideration.

2. Reduced Density Alternative

The “Reduced Density” Alternative aims to develop the project site in a way that prioritizes commercial/retail intensity and provides fewer residential units (including fewer affordable units), less commercial square footage associated with the NCTD office space, and fewer hotel rooms. This alternative would result in a similar pattern of land uses as the proposed project. However, on-site residential uses would be constructed in three smaller buildings, instead of the project’s two larger buildings. Further, the bus terminals would be situated along the western portion of the project site. This alternative would develop 27 fewer dwelling units (a total of 520 units) than the proposed project (547 units). Of these, this alternative would only supply 52 affordable units (30 fewer affordable units, compared to the project’s 82 affordable units). It should be noted that as fewer dwelling units would be provided, less overall open space area would be provided due to fewer private outdoor spaces. Further, the division of residential buildings on Block 4 would reduce the outdoor roof amenity area. Similar to the proposed project, the “Reduced Density” Alternative would require a General Plan Amendment, Zone Amendment, Specific Plan, Local Coastal Plan Amendment, Coastal Development Permit, and Vesting Tentative Tract Map.



Conclusion:

The “Reduced Density” Alternative would lessen environmental impacts in the areas of air quality, greenhouse gas emissions, energy, noise, population and housing, public services and recreation, and utilities and services systems. Weighing the tradeoffs between the proposed project and the “Reduced Density” Alternative in regard to land use and planning, aesthetics, biological resources, tribal and cultural resources, geology and soils, hydrology and water quality, hazards and hazardous materials, and transportation, this alternative would result in similar impacts.

The “Reduced Density” Alternative would achieve all of the project’s basic objectives, however, not to the extent as the proposed project for some objectives. Specifically, this alternative would promote economic development and enhance livability and walkability by introducing a compatible mixture of uses in the coastal zone, but to a lesser extent than the proposed project given the reduction in development intensity. Similarly, this alternative would introduce fewer dwelling units than the proposed project and thus, would improve the connectivity and strengthen linkages between downtown and the residential neighborhood to the south to a lesser extent than the proposed project. Additionally, of the 520 units, this alternative would only supply 52 affordable units (30 fewer affordable units, compared to the project’s 82 affordable units). Thus, this alternative would meet this project objective but to a lesser extent than the proposed project.

Similar to the proposed project, this alternative would introduce a transit-oriented development and support public transit at the NCTD. Proposed transit improvements under this alternative would update transit facilities and mobility improvements to encourage ridership and enhance user experience. Additionally, the “Reduced Density” Alternative would provide similar infrastructure and public service improvements to support the transit-oriented development, comply with development standards and design guidelines associated with the Oceanside Transit Center Specific Plan, and accommodate phased development of the site with flexibility to allow minor modifications in the program and design. Last, this alternative would increase off-site storm drain capacity to serve the project site and immediately downstream area along Cleveland Street (to Wisconsin Avenue) in order to reduce localized flooding conditions in the public right-of-way.

Finding:

This alternative is rejected because it would not accomplish the objectives of the proposed project to the same extent of the proposed project. The findings of the proposed project set forth in this document support for the proposed project and the elimination of this alternative from further consideration.

3. “Increased Density” Alternative

The “Increased Density” Alternative aims to develop the project site in a way that prioritizes transit ridership and reduces vehicle miles traveled (VMT) by increasing the residential units on-site. This alternative would include one additional floor in each residential building, increasing the residential units an additional 116 units, compared to the proposed project, for a total of 663 dwelling units. Building R1 on Block 3 would include 53 additional residential units, for a total of 303 units, and Building R2 on Block 4 would include 63 additional residential units, for a total of 360 units. This alternative would proportionately increase the rate of affordable units provided; similar to the



proposed project, 15 percent of units would be affordable for a total of 100 affordable units (an increase of 18 affordable units compared to the proposed project). It should be noted that outdoor roof amenity areas under the proposed project would be elevated to the sixth floor under this alternative and would maintain the same layout and square footages as the proposed project. Similar to the proposed project, the "Increased Density" Alternative would require a General Plan Amendment, Zone Amendment, Specific Plan, Local Coastal Plan Amendment, Coastal Development Permit, and Vesting Tentative Tract Map.

Conclusion:

The "Increase Density" Alternative would lessen environmental impacts related to transportation. Weighing the tradeoffs between the proposed project and the "Increase Density" Alternative in regard to land use and planning, biological resources, tribal and cultural resources, geology and soils, hydrology and water quality, hazards and hazardous materials, air quality and greenhouse gas emissions, this alternative would result in similar impacts. Impacts related to aesthetics, energy, noise, population and housing, public services and recreation, and utilities and services systems would be greater.

The "Increased Density" Alternative would achieve all of the project's basic objectives. This alternative would promote economic development and enhance the livability and walkability of the project area with the increase in residential density. Transit facility and mobility improvements would be similar to the proposed project under the "Increased Density" Alternative with the goal to increase ridership and enhance user experience. Additionally, the increase in residential development on-site would improve connectivity and strengthen linkages between the downtown and residential neighborhoods to the south, and proportionately increase the number of affordable units provided. Similar to the proposed project, residential amenities, including open space and recreational amenities would be provided. Further, this alternative would either provide or pay development impact fees to ensure adequate infrastructure and public services are available to support the proposed development. This alternative would also introduce the same land uses as the proposed project and develop residential and nonresidential uses on-site based on the Oceanside Transit Center Specific Plan development standards and design guidelines. This alternative would accommodate phased development with flexibility in the plan to allow for minor modifications in program and design. Last, similar to the project, this alternative would increase off-site storm drain capacity to serve the project site and immediately downstream area along Cleveland Street (to Wisconsin Avenue) in order to reduce localized flooding conditions in the public right-of-way.

Finding:

This alternative is rejected because it would not accomplish the objectives of the proposed project to the same extent of the proposed project. The findings of the proposed project set forth in this document support for the proposed project and the elimination of this alternative from further consideration.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

It is acknowledged that the "No Project" Alternative would not meet any of the project's basic objectives. This alternative would not promote economic development in the coastal zone; support



public transit through transit-oriented development; improve connectivity and linkages between downtown and residential neighborhoods; increase available housing supply; provide new infrastructure and public services; increase off-site storm drain capacity to reduce flooding; provide compatible and improved community character; establish development standards and design guidelines that support mixed-use development; or accommodate phased development of the site.

The “Reduced Density” Alternative is considered environmentally superior to the proposed project. The “Reduced Density” Alternative would result in reduced environmental impacts regarding air quality, greenhouse gas emissions, energy, noise, population and housing, public services and recreation, and utilities and service systems. The remaining environmental topical areas, including land use and relevant planning, aesthetics/light and glare, biological resources, tribal and cultural resources, geology and soils, hydrology and water quality, hazards and hazardous materials, and transportation, would have similar impacts as the proposed project. This alternative would achieve all of the project’s basic objectives, however, not to the extent as the proposed project for some objectives. Specifically, this alternative would promote economic development and enhance livability and walkability by introducing a compatible mixture of uses in the coastal zone, but to a lesser extent than the proposed project given the reduction in development intensity. Additionally, given the reduction in dwelling units, this alternative would improve the connectivity and strengthen linkages between downtown and the residential neighborhood to the south to a lesser extent than the proposed project. Further, since this alternative would only supply 52 affordable units (30 fewer affordable units compared to the project’s 82 affordable units), it would meet the project objective of increasing the City’s housing supply (and affordable housing supply) to a lesser extent than the proposed project. Lastly, similar to the proposed project, this alternative would increase off-site storm drain capacity to serve the project site and immediately downstream area along Cleveland Street (to Wisconsin Avenue) to reduce localized flooding conditions in the public right-of-way.



Table 4-1
Mitigation Monitoring and Reporting Checklist

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
Biological Resources								
BIO-1	The project Applicant shall develop an educational pamphlet (in English and Spanish) for the identification of raptor nests and to guide tree pruning activities in suburban areas during the breeding season. Landscaping companies and tree trimming services that have projects in the City shall be required to use the pamphlet to educate their employees on the recognition of raptor nest trees. Trimming of trees containing raptor or migrating bird nests shall be prohibited during the raptor breeding season (January 15 to August 31).	Qualified Biologist; Applicant	Prior to Issuance of Certificate of Occupancy	City Development Services Department Director	Prior to Issuance of Certificate of Occupancy			
BIO-2	<u>Migratory Bird and Raptor Nest Buffers</u> . To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat shall occur outside of the breeding season (January 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the Applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and Federally or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest, and 2) no work within 500 feet of a listed bird or raptor nest.	Qualified Biologist; Contractor	10-Days Prior to and During Construction Activities	City Development Services Department Director	Prior to and During Construction Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project Applicant shall contact the City and wildlife agencies (i.e., California Department of Fish and Wildlife and U.S. Fish and Wildlife Service) to determine the appropriate buffer.							
BIO-3	During project construction, the project Applicant shall ensure that impacts from fugitive dust be avoided and minimized through watering and other appropriate dust control measures. Fugitive dust reduction measures to be implemented shall be specific on the project plans for City verification.	Qualified Biologist; Applicant; Contractor	During Construction Activities	City Engineer	During Construction Activities			
BIO-4	Prior to issuance of grading permits, the Applicant shall ensure that the following conditions are implemented during project construction: - Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint; - To avoid attracting predators of covered species, the project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site; and - Pets of construction employee personnel shall not be allowed on the project site.	Applicant; Contractor	During Construction Activities	City Engineer	During Construction Activities			
Tribal and Cultural Resources								
CUL-1	<u>Workers Environmental Awareness Program</u> . Prior to the beginning of the earth-moving construction activities (including initial pavement removal and grading), a qualified archaeologist retained by the project Applicant	Qualified Archeologist; Applicant; Contractor	Prior to Ground Disturbance Activities	City Development Services Department	Prior to Ground Disturbance Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	shall prepare and present a Workers Environmental Awareness Program (WEAP) training for all contractors, subcontractors, and workers expected to be on-site throughout the entire construction period. The qualified archaeologist shall meet the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738). The WEAP shall inform the construction crew of the cultural resource values involved and of the regulatory protections afforded to those resources. The crew shall also be informed of procedures relating to the discovery of unanticipated resources (as outlined in the cultural resources monitoring and discovery plan). The crew shall be cautioned not to collect artifacts, and directed to inform a construction supervisor and the on-site archaeological monitor in the event that cultural remains are discovered during the course of construction, including if a cultural resources monitor is not present. The qualified archaeologist shall administer supplemental briefing to all new construction personnel, prior to their commencement of earth-moving construction activities.			Director				
CUL-2	<u>Cultural Resources Monitoring and Mitigation Plan.</u> In the event a cultural resource is discovered, a qualified archaeologist retained by the project Applicant shall prepare and implement a cultural resources monitoring and discovery plan (CRMDP), which specifies monitoring methods, personnel, and procedures to be followed. The monitoring plan shall identify what activities require monitoring, describe monitoring procedures, and outline the protocol to be followed in the event of a find. Criteria shall be outlined, and triggers identified when further consultation (i.e., Native American consultation) is required for the treatment of a find (including consistency with Mitigation Measures CUL-6 through CUL-14). Key staff shall be identified, and the process of notification and consultation shall be specified in the CRMDP. A curation plan shall also be outlined in the CRMDP. All	Qualified Archeologist; Applicant; Contractor	Prior to Ground Disturbance Activities	City Development Services Department Director	Prior to Ground Disturbance Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	archaeological work shall be conducted under the direction of a qualified archaeological Principal Investigator who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738).							
CUL-3	<u>Archaeological Resources Monitoring.</u> Archaeological monitoring for all ground-disturbing activities that have the potential to encounter archaeological resources shall be conducted by a qualified archaeological monitor, retained by the project Applicant, who is working under the guidance of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738). Ground-disturbing activities include, but are not limited to, geotechnical boring, boring, trenching, grading, excavating, and pavement removal. The archaeological monitor shall observe ground-disturbing activities in all areas with potential to contain significant cultural deposits. If discoveries are made during ground-disturbing activities, additional work may be required in accordance with the terms specified in the cultural resources monitoring and discovery plan (required under Mitigation Measure CUL-2).	Qualified Archeological Monitor; Applicant; Contractor	During Ground Disturbance Activities	City Development Services Department Director	During Ground Disturbance Activities			
CUL-4	<u>Evaluation of Unanticipated Finds.</u> In the event an archaeological resource is unearthed during excavation, all excavations shall be halted within 50 feet of the find. Work shall stop immediately, and the discovery shall be evaluated by a qualified archaeologist, retained by the project Applicant, meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738), pursuant to the procedures set forth within <i>CEQA Guidelines</i> Section 15064.5. Depending on the nature of the find, the determination of significance may require additional excavation, potentially including the preparation and execution of a Phase II Archaeological Testing Plan. As the lead agency, the City of Oceanside shall make a determination of significance on the basis of	Qualified Archeologist; Applicant; Contractor	During Ground Disturbance Activities	City Development Services Department Director	During Ground Disturbance Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	the recommendations of the qualified archaeologist.							
CUL-5	<u>Treatment of Unanticipated Finds.</u> Avoidance and preservation-in-place are the preferred treatment for historical resources, but avoidance is not always feasible. In an event that a previously unknown archaeological resource is discovered and disturbance to such a resource cannot be avoided, a Phase III, or "data recovery," phase of investigation shall be required, pursuant to CEQA Guidelines Section 15064.5. The Phase III study shall be prepared by a qualified archaeologist retained by the project Applicant and generally consist of a limited-scale program of archaeological excavation and laboratory analysis. Any resources recovered shall be properly curated, as appropriate. <u>Any recovered archaeological resources shall be curated in accordance with federal curation standards as outlined in 36 CFR Part 79. All materials, including artifacts, records, and documentation, shall be prepared, maintained, and deposited in a federally approved curation facility, such as the San Diego Archaeological Center, to ensure their long-term preservation and accessibility.</u> Mitigation shall be considered complete when finds are curated and documentation of findings is completed to a level satisfactory to the City of Oceanside and filed with the South Coastal Information Center of the California Historical Resources Information System.	Qualified Archeologist; Applicant; Contractor	During Ground Disturbance Activities	City Development Services Department Director	During Ground Disturbance Activities			
CUL-6	Prior to the issuance of a grading permit, the project Applicant shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Kumeyaay Tribe and Native American Monitor associated with a TCA Luiseño Tribe. A copy of the agreement shall be included in the grading plan submittals for the grading permit. The purpose of this agreement shall be to formalize protocols and procedures	Qualified Native American Monitor; Applicant; Contractor	Prior to Issuance of a Grading Permit	City Development Services Department Director	Prior to Issuance of a Grading Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	between the project Applicant and the TCA Native American Monitor(s) for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. At the discretion of the TCA Native American Monitor(s), artifacts may be made available for 3D scanning/printing, with scanned/printed materials to be curated at a local repository meeting the federal standards of 36 Code of Federal Regulations 79.							
CUL-7	As specified by the State of California Public Resources Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of TCA Native American Monitor(s). By law, the Medical Examiner will determine	San Diego County Office of the Medical Examiner; Applicant; Contractor	During Ground Disturbance Activities	City Development Services Department Director; Native American Heritage Commission	During Ground Disturbance Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendent.							
CUL-8	Prior to the issuance of a grading permit, the project Applicant shall provide a written and signed letter to the City of Oceanside Planning Division stating that a qualified archaeologist and Traditionally and Culturally Affiliated (TCA) Native American Monitors associated with the Kumeyaay Tribe and Luiseño Tribe have been retained at the project Applicant's expense to implement the monitoring program, as described in the pre-excavation agreement.	Qualified Archaeologist; Qualified Native American Monitor; Applicant	Prior to Issuance of a Grading Permit	City Development Services Department Director	Prior to Issuance of a Grading Permit			
CUL-9	The qualified archaeologist and TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) shall attend all applicable pre-construction meetings with the general contractor and/or associated subcontractors to present the archaeological monitoring program. The qualified archaeologist and TCA Native American Monitor(s) shall be present on-site full time during grubbing, grading and/or other ground-altering activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or tribal cultural resources. All fill materials shall be absent of any and all tribal cultural resources.	Qualified Archaeologist; Qualified Native American Monitor; Applicant; Contractor	Prior to and During Ground Disturbing Activities	City Development Services Department Director	Prior to and During Ground Disturbing Activities			
CUL-10	The qualified archaeologist shall maintain on-going collaborative consultation with the TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) during all ground-disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The project Applicant or grading contractor shall notify the City of Oceanside Planning	Qualified Archaeologist; Qualified Native American Monitor; Applicant; Contractor	Prior to and During Ground Disturbing Activities	City Development Services Department Director	Prior to and During Ground Disturbing Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	Division of the start and end of all ground-disturbing activities.							
CUL-11	In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "controlled grade procedure" shall be prepared by a qualified archaeologist, in consultation with the TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) and the project Applicant, subject to the approval of City representatives. The controlled grade procedure shall establish requirements for any ground-disturbing work with machinery occurring in and around areas the qualified archaeologist and TCA Native American Monitor(s) determine to be sensitive through the cultural resource mitigation monitoring process. The controlled grade procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the controlled grade procedure shall be included in the grading plan submittals for the grading permit.	Qualified Archaeologist; Qualified Native American Monitor; Applicant; Contractor	Prior to and During Ground Disturbing Activities	City Development Services Department Director	Prior to and During Ground Disturbing Activities			
CUL-12	The qualified archaeologist and TCA Native American Monitor(s) (pursuant to Mitigation Measure CUL-8) may halt ground-disturbing activities if unknown tribal cultural resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and before grading proceeds these items shall be secured until they can be repatriated. If items cannot be securely stored on the project site, they may be stored in off-site facilities located in San Diego County. If the qualified archaeologist and TCA Native American Monitor(s) determine that the unearthed tribal cultural resource, artifact deposits, or cultural features are considered potentially significant to a TCA Luiseño Tribe	Qualified Archaeologist; Qualified Native American Monitor; Applicant; Contractor	During Ground Disturbing Activities	City Development Services Department Director	During Ground Disturbing Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	or TCA Kumeyaay Tribe that has participated in the state-prescribed consultation process for this project, the TCA Luiseño Tribe or TCA Kumeyaay Tribe shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the Lead Agency under CEQA, TCA Luiseño Tribes and/or TCA Kumeyaay Tribes that have participated in the State-prescribed consultation process for this project shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant tribal cultural resources, artifact deposits, or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area shall be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Luiseño Tribes and/or TCA Kumeyaay Tribes that have participated in the State-prescribed consultation process for the proposed project. If the qualified archaeologist collects such resources, the TCA Luiseño Native American Monitor and TCA Kumeyaay Native American Monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the tribal cultural resources that are unearthed during the ground-disturbing activities, the TCA Luiseño Native American Monitor and TCA Kumeyaay Native American Monitor, at their discretion, may collect said resources and provide them to the appropriate TCA Luiseño Tribe and/or TCA Kumeyaay Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	Tribe's cultural and spiritual traditions. Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American Monitor(s), deems the cultural resource or feature has been appropriately documented and/or protected.							
CUL-13	The project Applicant shall relinquish ownership of all tribal cultural resources unearthed during the cultural resource mitigation monitoring conducted during all ground-disturbing activities, and from any previous archaeological studies or excavations on the project site, to the appropriate TCA Luiseño Tribe and/or TCA Kumeyaay Tribe, as determined through the appropriate process, for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.	Qualified Archaeologist; Qualified Native American Monitor; Applicant; Contractor	During Ground Disturbing Activities	City Development Services Department Director	During Ground Disturbing Activities			
CUL-14	Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the qualified archaeologist, along with the TCA Native American Monitor(s)' notes and comments, to the City of Oceanside Planning Division for approval.	Qualified Archaeologist; Qualified Native American Monitor; Applicant; Contractor	During Ground Disturbing Activities	City Development Services Department Director	During Ground Disturbing Activities			
Geology and Soils								
GEO-1	The Applicant shall retain a Society of Vertebrate Paleontology-qualified paleontologist (SVP 2010) to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to grading or excavation in sedimentary	Qualified Paleontologist; Applicant; Contractor	Prior to Grading or Excavation in Sedimentary Rock Material Other Than	City Development Services Department Director	Prior to Grading or Excavation in Sedimentary Rock Material Other Than			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	rock material other than topsoil. The training session shall focus on how to identify paleontological resources, such as fossils that may be encountered, and the procedures to follow if identified.		Topsoil		Topsoil			
GEO-2	Prior to grading or excavation in sedimentary rock material other than topsoil, the Applicant shall retain a Society of Vertebrate Paleontology (SVP)-qualified paleontologist to monitor or supervise the monitoring of these activities. The SVP-qualified paleontologist will supervise a paleontological monitor. Paleontological monitoring shall also be conducted during ground disturbance in undisturbed geologic contexts (i.e., bedrock and outcrops) which have the potential to contain significant paleontological resources. Ground disturbance refers to activities that would impact subsurface geologic deposits, such as grading, excavation, boring, etc. Activities taking place in current topsoil or within previously disturbed fill sediments (e.g., clearing, grubbing, and pavement rehabilitation) do not require paleontological monitoring. Bedrock can occur at varying depths depending on the portion of the project area. If fossils are discovered during grading at any depth, the paleontological monitor, in discussion with the SVP-qualified paleontologist, will notify the on-site construction supervisor, who shall redirect work away from the location of the discovery. The recommendations of the SVP-qualified paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.	Paleontological Monitor; Applicant; Contractor	Prior to Grading or Excavation in Sedimentary Rock Material Other Than Topsoil	City Development Services Department Director	Prior to Grading or Excavation in Sedimentary Rock Material Other Than Topsoil			
GEO-3	If any paleontological resources are encountered at the project area during construction or the course of any ground-disturbance activities, all such activities within 100 feet of the find shall halt immediately. At this time, the Applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. The	Paleontological Monitor; Applicant; Contractor	During Ground Disturbing Activities	Prior to and During Ground Disturbing Activities	During Ground Disturbing Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	assessment will follow SVP 2010 standards. If any find is determined to be significant, appropriate avoidance measures recommended by the SVP-qualified paleontologist and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. If the fossils are determined to be significant, then the SVP-qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures: • The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research interest in the materials (which may include the Western Science Center in Hemet); • The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and • The paleontologist shall ensure that curation of fossils is completed in consultation with the City. A letter of acceptance from the curation institution shall be submitted to the City. A qualified professional paleontologist is a professional with a graduate degree in paleontology, geology, or related field, with demonstrated experience in the vertebrate, invertebrate, or botanical paleontology of California, as well as at least one year of full-time professional experience or equivalent specialized training in paleontological research (i.e., the identification of fossil deposits, application of paleontological field and laboratory procedures and techniques, and curation of fossil							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	specimens), and at least four months of supervised field and analytic experience in general North American paleontology							
Hazards and Hazardous Materials								
HAZ-1	Prior to issuance of a grading permit, a qualified environmental professional with Phase II/Site Characterization experience shall conduct on-site sampling near the adjacent City-operated parking structure in order to confirm whether or not any off-site hazardous materials have migrated into on-site soil/soil gas at the project site, that which presents a concern to the public or the environment.	Qualified Environmental Professional; Applicant	Prior to Issuance of a Grading Permit	City Engineer	Prior to Issuance of a Grading Permit			
HAZ-2	Prior to issuance of a grading permit, a Soil Management Plan (SMP) shall be prepared by a qualified environmental professional with Phase II/Site Characterization experience. Any results and/or recommendations from Mitigation Measure HAZ-1 shall be incorporated into the SMP. The SMP shall present procedures for the excavation and construction contractors to use in the event that unknown structures (i.e., underground storage tanks, sumps, etc.) or soil contamination are encountered during demolition, excavations, grading, or any other soil disturbance activities. The SMP shall provide guidance for the characterization, proper handling, and management of impacted or suspected impacted soil that may be encountered. The SMP shall also include a decision framework and specific risk management measures for characterization, proper handling, and management of impacted or suspected impacted soil, including any soil import/export activities, in a manner protective of human health and consistent with applicable regulatory requirements. The SMP shall be made available to the contractor and the City Engineer for use during grading activities.	Qualified Environmental Professional; Applicant; Contractor	Prior to Issuance of a Grading Permit	City Engineer	Prior to Issuance of a Grading Permit			



**Oceanside Transit Center Redevelopment
Environmental Impact Report**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
HAZ-3	Prior to demolition of existing structures (including piping materials), the project Applicant shall retain a qualified specialists or contractors who have completed a current U.S. Environmental Protection Agency (EPA)-approved Building Inspector Course to conduct surveys of asbestos-containing materials (ACMs), lead-based paints (LBP), and polychlorinated biphenyls (PCBs) to be conducted by, and submitted to the County of San Diego, Department of Environmental Health and Quality, Hazardous Materials Division (HMD) for review and comment, and to the City Engineer for approval, prior to demolition of existing structures (including piping materials). Specifically, if ACMs are located, abatement of asbestos would be required to be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by qualified specialists or contractors who have completed a current EPA-approved Building Inspector Course in accordance with the San Diego Air Pollution Control District (SDAPCD) Rule 1206. If more than 100 square feet of ACMs would be disturbed or demolition would occur, a notification shall be submitted to SDAPCD, and procedures for asbestos emission control and waste handling and disposal must be in compliance with SDAPCD Rule 1206. If LBPs are found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or a fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulations (CCR) Title 8, Section 1532.1, which specifies exposure limits, specifies exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or	Qualified Environmental Professional; Applicant; Contractor	Prior to Demolition of Existing Structures (Including Piping Materials)	City Engineer	Prior to Demolition of Existing Structures (Including Piping Materials)			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	PCB removal shall provide evidence of abatement activities to the HMD and City Engineer. The project Applicant would be required to inform the City Engineer, via the monthly compliance report, of the date when all ACMs, LBPs, and/or PCBs are removed from the site, if applicable							
HAZ-4	Prior to issuance of building permits, the project Applicant shall provide verification documentation to the City Engineer, demonstrating that any proposed elevator shaft(s) for the subterranean parking garage are properly sealed to prevent any potential vapor intrusion into the proposed structures that could then be delivered to the upper floors of the overlying buildings.	Applicant; Contractor	Prior to Issuance of Building Permits	City Engineer	Prior to Issuance of Building Permits			
Transportation								
TRA-1	Prior to issuance of any grading and/or demolition permits, whichever occurs first, the construction contractor shall prepare a Construction Management Plan (CMP) to be submitted for review and approval by the City Director of Public Works. The requirement for a CMP shall be incorporated into the project specifications and subject to verification by the City Director of Public Works prior to final plan approval. The CMP shall include, at a minimum, the following measures, which shall be implemented during all construction activities: - Meet the standards established in the current <i>California Manual on Uniform Traffic Control Devices</i> (MUTCD) as well as all applicable City requirements pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary lane closures. The plan shall also detail plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic. - Identify traffic control for any street closure, detour, or	Applicant; Contractor	Prior to Issuance of Grading and/or Demolition Permits	City Engineer	Prior to Issuance of Grading and/or Demolition Permits			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to efficiently enter and exit the site and maintain emergency access to the site and surrounding area. - Should project construction activities require temporary vehicle lane and/or sidewalk closures, the construction contractor shall coordinate with the City Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access. - Identify the routes that construction vehicles must utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project. Require all construction vehicles to carry the required hauling permits and use the most direct route per approval by the City Director of Public Works. - Require the construction contractor to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The construction contractor shall clean adjacent streets, as directed by the City Director of Public Works, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.							
Noise								
NOI-1	To reduce noise impacts due to construction, the project Applicant shall demonstrate to the satisfaction of the City Development Services Department Director that the project complies with the following: Prior to construction, written notification to residents within 500 feet of the proposed facilities undergoing	Applicant; Contractor	Prior to and During Construction Activities	City Engineer	Prior to and During Construction Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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	construction shall be provided, identifying the type, duration, and frequency of construction activities. Notification materials shall also identify a mechanism for residents to register complaints with the City if construction-related noise impacts should occur. • All equipment and trucks used for project construction shall use the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) and be maintained in good operating condition to minimize construction noise impacts. All internal combustion engine-drive equipment shall be fitted with intake and exhaust mufflers which are in good condition. • Place noise-generating construction equipment and construction staging areas away from sensitive uses to the extent feasible. • Construction activities shall occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, pursuant to Section 38.17, <i>Special Noise Prohibited</i>, of the Municipal Code. • Use electric air compressors and similar power tools rather than diesel equipment, where feasible. • Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. • The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday). The haul routes shall be designed to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. • Construction hours, allowable workdays, and the							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE																										
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	phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the City of Oceanside Development Services Department Director.																															
NOI-2	The project Applicant shall incorporate the following measures on all grading and building plans and specifications subject to approval of the City's Building Division prior to issuance of a demolition or grading permit (whichever occurs first): Construction equipment shall not approach the construction buffer zone adjacent to existing structures adjoining the project site to the north and east. The buffer zone shall be tiered based on distances established in the table below. <table><tr><th>Equipment</th><th>Nearest Distance of Heavy-Duty Construction Equipment Activity to Northern and Eastern Structures (feet)</th><th>Peak Particle Velocity (in/sec)</th></tr><tr><td>Pile Driver (Impact – Upper Range)</td><td>97</td><td>0.2</td></tr><tr><td>Pile Driver (Sonic – Upper Range)</td><td>59</td><td>0.2</td></tr><tr><td>Vibratory Roller</td><td>26</td><td>0.2</td></tr><tr><td>Large Bulldozer</td><td>15</td><td>0.2</td></tr><tr><td>Loaded Trucks</td><td>13</td><td>0.2</td></tr><tr><td>Jackhammer</td><td>8</td><td>0.2</td></tr><tr><td>Small Bulldozer</td><td>2</td><td>0.2</td></tr></table>	Equipment	Nearest Distance of Heavy-Duty Construction Equipment Activity to Northern and Eastern Structures (feet)	Peak Particle Velocity (in/sec)	Pile Driver (Impact – Upper Range)	97	0.2	Pile Driver (Sonic – Upper Range)	59	0.2	Vibratory Roller	26	0.2	Large Bulldozer	15	0.2	Loaded Trucks	13	0.2	Jackhammer	8	0.2	Small Bulldozer	2	0.2	Applicant; Contractor	Prior to Issuance of Demolition or Grading Permit, whichever occurs first	City Engineer	Prior to Issuance of Demolition or Grading Permit, whichever occurs first			
Equipment	Nearest Distance of Heavy-Duty Construction Equipment Activity to Northern and Eastern Structures (feet)	Peak Particle Velocity (in/sec)																														
Pile Driver (Impact – Upper Range)	97	0.2																														
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Jackhammer	8	0.2																														
Small Bulldozer	2	0.2																														



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	As shown in the table above, impact pile drivers shall not operate within 97 feet, sonic pile drivers shall not operate within 59 feet, vibratory rollers shall not operate within 26 feet, large bulldozers shall not operate within 15 feet, and loaded trucks shall not operate within 13 feet of the structures adjoining the project site to the north and east. The buffer zone shall be in enforced between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, pursuant to Section 38.17, <i>Special Noise Prohibited</i>, of the Municipal Code. - When the use of pile driver and vibratory roller cannot be avoided, the following measures should be taken: - Non-Impact Piles or Cast in Drilled Hole (CIDH) piles: Using the soil-mix or CIDH method would reduce the vibration below the FTA Criteria. This method is recommended for homes which would be within 75 feet of pile driving. - Reduced Impact Pile Driving Time: Limiting the hours per day of impact pile driving would reduce the equivalent noise level and would reduce potential work interference. - Excessive Vibration: if pile driving amplitudes exceed the building threshold criteria, cosmetic repair work may be required at nearby buildings. A detailed preconstruction crack survey will be conducted at homes and businesses where these criteria are expected to be exceeded. Vibration monitoring, crack monitors and photo documentation will be employed at these locations during pile driving activity. - Relocating items on shelves: since items on shelves and walls may move during pile driving activity, nearby residents will be advised through the community outreach process that they							



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	should move fragile and precious items off of shelves and walls for the duration of the impact pile driving. Achievement of standards for building damage would not eliminate annoyance, since the vibration would still be quite perceptible. ○ Advance Notification (Work Interference): The impact pile driving vibration may cause interference with persons working at home or the office on their computers. Nearby residents and businesses will be advised in advance of times when piles would drive, particularly piles within 100 feet of any occupied building, so that they may plan accordingly, if possible. ○ Notification of Pile Driving Schedule: Nearby residents and businesses will be notified of the expected pile driving schedule. In particular, these notification should be made with home-bound residents, homes where there is day-time occupancy (e.g., work at home, stay-at-home parents) and offices/commercial businesses where extensive computer/video monitor work is conducted. • The project Applicant shall utilize a construction vibration monitoring system with the potential to measure low levels of vibration to ensure vibration levels do not exceed the FTA's 0.2 inch-per-second PPV threshold. • The project Applicant shall conduct sensitivity training to inform construction personnel about the existing sensitive receptors surrounding the project and about methods to reduce noise and vibration. • Alternatively, if the above measures are deemed infeasible by the City's Building Division, the project Applicant shall require by contract specifications that a certified structural engineer and/or geologist be							



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	retained to submit evidence that the operation of vibration-generating equipment associated with the project would not result vibration levels exceeding the FTA's 0.2 inch-per-second PPV threshold. Contract specifications shall be included in the project construction documents, which shall be reviewed by the City prior to issuance of a demolition or grading permit (whichever occurs first). The documents shall include provisions for vibration monitoring during the operation of heavy-duty construction equipment, as well as include provisions to ensure vibration levels do not exceed 0.2 inch-per-second PPV at the structures adjoining the project site to the north and east.							



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