

STAFF REPORT



CITY OF OCEANSIDE

DATE: January 12, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **DIRECTION TO STAFF TO INCORPORATE HABITAT CONSERVATION AND OPEN SPACE POLICIES INTO GENERAL PLAN UPDATE**

SYNOPSIS

Staff recommends that City Council direct staff to incorporate policies from the Draft Subarea Habitat Conservation Plan into the General Plan Update and cease further efforts towards adoption of a new Subarea Plan (SAP).

BACKGROUND

On October 6, 2021, the City Council, during its consideration of the draft Community Vision and Guiding Principles prepared in conjunction with the on-going General Plan Update, voted 4-1 (Sanchez – no) to direct staff to bring an item to City Council to have the policies of the SAP embedded within the future Conservation and Open Space elements being prepared in conjunction with the General Plan Update and suspend participation in the SAP. Since then, Planning staff have not conducted additional work on adoption of the Draft SAP.

General Plan Update

The City is currently in the process of completing a comprehensive General Plan update and has contracted with the land use consulting firm Dyett & Bhatia (D&B) to complete the update. As part of this update, the topics of habitat conservation, endangered species protection and open space conservation will be incorporated into a chapter entitled the "Vital and Sustainable Resources Element (VSRE)." This will fulfill the State requirement that the General Plan include Conservation and Open Space elements. As part of its approved scope of work, D&B will review and recommend key goals and policies outlined in the 2010 Draft Oceanside Subarea Habitat Conservation Plan/Natural Community Conservation Plan ("Draft SAP") for inclusion in the VSRE as General Plan goals or policies. These future General Plan goals and policies are intended to achieve protection of critical habitat for wildlife species as is provided for under the current Draft SAP. To date, D&B's scope does not include any work towards formal adoption of the City's Draft SAP. The General Plan Update is anticipated to be completed and presented for City Council adoption in spring 2023.

Draft Subarea Plan History and Timeline

Subarea Plans are prepared as an implementation action of the North County Habitat Conservation Program (MHCP) administered by SANDAG. The MHCP is a comprehensive conservation planning process that addresses the conservation needs of multiple plant and animal species in Northwestern San Diego County. The North County MHCP encompasses the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. Its goal is to conserve approximately 19,000 acres of habitat while protecting more than 80 rare, threatened, or endangered species. A SAP is intended to comprehensively address how each of these individual cities intend to conserve natural biotic communities and sensitive plant and wildlife species at the local level pursuant to the California Natural Community Conservation Planning Act and the U.S. Endangered Species Act.

The following provides a general history and timeline of City staff's efforts towards development of a SAP in recent years. The City commenced work on an SAP in 1996, with several subsequent draft iterations being produced; however, a final SAP was never adopted by City Council due to reasons described later in this staff report. The most recent Draft SAP fully vetted by staff was prepared in 2010 and is posted on the Planning Division's webpage (www.ci.oceanside.ca.us/gov/dev/planning/subarea.asp). Although the SAP has not been officially adopted by City Council, City staff have evaluated discretionary development projects for consistency with the Draft SAP.

In 2014, Planning staff was tasked with reviewing the Draft SAP for consideration of Council adoption in order to address the unusual situation of administering the SAP while still in draft form. In response, staff engaged consultants to assist in the review of the Draft SAP and concluded:

1. The Draft SAP, as currently written, places extensive financial obligations on the City to restore and maintain habitat (see Analysis section for further details);
2. The SAP contains some development regulations that could be viewed as onerous and inflexible, thereby potentially hindering future development opportunities (see Analysis section for further details);
3. The Draft SAP commits the City to fulfill third party habitat maintenance obligations, should that third-party entity cease to exist or become unable to fulfill its obligations for habitat management;
4. The Draft SAP had not been formally reviewed by the public, Planning Commission, or City Council through a transparent public process;
5. The text of the Draft SAP is voluminous and challenging to understand and implement.

During this prior review of the Draft SAP, staff contacted other North County cities regarding their efforts to adopt a SAP as envisioned by North County MHCP. To date, only the City of Carlsbad has an adopted SAP and, according to their staff, this was primarily due to a specific need to mitigate biological impacts associated with a proposed golf course. During informal discussions with other North County cities, their staffs identified few significant benefits from SAP adoption, noting that the Federal and State

wildlife agencies are already highly involved in the development review process. It's staff's understanding that the City of Vista chose to not adopt an SAP primarily due to the heavy city financial obligations associated with adoption. The City of Vista instead incorporated policy language addressing habitat conservation into their updated General Plan and Municipal Code. Based on staff's research, no other North County city has made significant progress towards adopting an SAP. However, current research indicates that the cities of San Diego and Chula Vista have both adopted SAPs and assumed some level of financial burden in the process. In addition, San Diego County has recently taken action to bring a North County SAP forward for adoption.

From 2016 to 2018, Planning staff, with the assistance of consultants, engaged in significant analysis of the SAP process and potential pros/cons associated with formally adopting an SAP. In addition, Planning staff and consultants met with the wildlife agencies on four occasions and twice with local conservation organizations. Those agencies expressed a preference for adoption of the SAP, yet also acknowledged there was no requirement for the City to do so. These groups have indicated that they prefer adoption of the SAP but also understand the City's financial concerns.

On February 7, 2019, a memo (Attachment 1) was provided to City Council that 1) described the financial obligations associated with adoption of the SAP, 2) outlined alternatives to SAP adoption, and 3) recommended incorporating key goals and policies of the SAP into the City's General Plan rather than adopting the SAP.

On February 5, 2020, the City Council approved a Professional Services Agreement with D&B as a consultant to perform work on the second phase of the General Plan Update. Based on the recommendation contained in the 2019 memo, staff included a task in the scope of work for D&B to incorporate goals and policies from the SAP into the updated General Plan. As previously stated, the scope of work for the General Plan Update does not include preparing the Draft SAP for adoption.

In fall 2020, the City began a robust public outreach effort regarding the Conservation and Open Space element, including four panel discussions with participants from non-profits, land trusts, conservation groups, and State and Federal staff. Concurrent with those discussions, the City staff released two surveys and conducted "Neighborhood Planning Area Office Hours" to obtain additional public input on conservation and open space topics. Subsequently, the City conducted three community workshops in January 2021 on the General Plan Update; and a workshop on January 13, 2021, focused specifically on Community Facilities and Conservation and Open Space.

On February 1, 2021, City staff met with local conservation organizations who indicated they did not support the policy approach and that the SAP should be adopted. On March 15, 2021, at the request of Mayor Sanchez, City staff attend a meeting that included wildlife agency representatives, conservation organizations, former City staff who had worked on the Draft SAP, and other interested parties. During the meeting, it was requested that City staff reconsider adoption of the SAP. An additional meeting occurred on June 16, 2021 with staff discussing the policy approach, concerns with SAP adoption, and related issues such as the creation of a mitigation bank on City-owned land.

An additional memo (Attachment 2) was provided to City Council on July 21, 2021, indicating that staff could be supportive of pursuing adoption of the Draft SAP provided that previously expressed staff concerns (e.g., significant financial obligations and onerous development restrictions) were addressed; however, the memo further stated that adoption of the Draft SAP, if it was to be considered, should occur after the adoption of General Plan Update due to limited staff resources and the Update Program's constrained funding and schedule which does not anticipate Draft SAP adoption as a specific task. Another meeting with this group occurred on August 24, 2021, during which staff agreed to draft a timeline and scope of work to be used for re-initiating review and adoption of the Draft SAP with the understanding that initiation of adoption efforts would first need to be authorized by the City Council.

ANALYSIS

Potential Benefits from SAP Adoption

Staff has analyzed the potential benefits associated with City Council adoption of an SAP. One potential benefit is that both private and City projects would not require development of a separate, perhaps duplicative, Habitat Conservation Plan, thereby theoretically providing for a shorter development review process. Another benefit is that grant funding may be more likely to be awarded to projects resulting in implementation of an SAP.

An additional benefit of SAP adoption may be allowance of the City to authorize "take permits" under certain circumstances. "Take" in this case means that covered species or their habitats may be impacted (at times, harmed). If the City were to pursue SAP adoption, there would need to be an agreement with the wildlife agencies to establish covered species, mitigation of impacts, and funding for the plan. In this case, the City would have the availability to issue take authorization by projects that are consistent with the adopted SAP and would not be limited to the number of take permits it may issue. It is important to note that projects with impacts inconsistent with the SAP or not included in the agreed upon list of covered species will still need approval from the wildlife agencies.

Potential Consequences from SAP Adoption

Over time, staff has identified several financial, procedural, and logistical consequences associated with City Council adoption of a SAP. For example, during review of the Draft SAP in 2016 and 2017, staff noted the following concerns:

1. Cost obligations on the City:
 - a. \$15.2 million for restoration of 140 acres of habitat;
 - b. Annual monitoring and maintenance costs of up to \$714,400;
 - c. City would assume responsibility for any default by organizations managing habitat;
 - d. City would adopt a habitat impact fee to be placed on development, which would fund only 50 percent (50%) of restoration costs;
 - e. If the SAP is not implemented in 35 years, the City would adopt a funding plan approved to be approved by the wildlife agencies;

- f. City would track and assure no more than five percent (5%) loss of endemic species; and,
 - g. Certain City-owned parcels would be designated as preserves and remain undeveloped.
2. Regulations on development projects include:
- a. Within the Wildlife Corridor Planning Zone, a maximum 25 percent (25%) of a site may be developed to protect habitat, with modifications allowed;
 - b. Maximum 50 percent (50%) of a site may be developed for lots that are two acres or greater in size, with deviations allowed;
 - c. Provision of 100-foot buffer from habitat, regardless of the location, extent, and quality of the habitat;
 - d. Provision of 500-foot buffer or 1,000 feet of coastal sage from an SDG&E power line corridor; and,
 - e. No exemption for small projects such as single-family dwellings.
3. The SAP is voluminous and difficult to understand and administer.

The potential cost obligations to the City is the most challenging and evident reason for not adopting a SAP, particularly because no regional funding source exists to-date. As noted in Table 1 below, one-time total costs to the City if the SAP was adopted are estimated at \$15.2 million for habitat restoration and initial management efforts (based on 2017-dollar figures). Annual monitoring and management costs to the City could range from \$25,000 to \$40,000 or higher per acre with the total ranging from a low of \$422,000 and increasing to \$714,400 as preserved acreage is acquired and if other revenue sources are not realized. As noted in Table 1, below, the cost to the City associated with the General Plan policy approach is far lower than that associated with adoption of the SAP, yet achieves the same intent (i.e., preserving sensitive habitat and endangered species).

Table 1: One Time and Annual Costs – Policy & SAP

Type of Costs	SAP Adoption	Policy Approach
Total One-time Costs	\$15,200,000	\$200,000
Annual On-going Costs	\$422,000 to \$714,400	\$25,200 to \$171,300

Source: Oceanside Subarea Plan, Updated with 2017 Dollars

The annual SAP monitoring and management costs include about \$281,250 in program administration to cover City staff costs. While the Draft SAP identifies “City/Regional” funding sources to cover the approximate \$714,400 cost of annual, on-going monitoring and management, the SAP indicates: “*City of Oceanside to take initial and primary responsibility for funding. City funding may be replaced with MHCP regional funding program, if and when it is implemented.*”

The costs associated with the SAP were updated by the City's economic consultant in 2017 and could now be higher due the San Diego region's increase in cost of living of approximately 12 percent since 2017. However, the costs could be phased-in to minimize the initial fiscal impact to the City during the early years. Also, the costs exclude future City Capital Improvement Program projects that require habitat mitigation.

Recent research has also revealed that adoption of the SAP would trigger a requirement to conduct the following regional meetings if two or more cities have adopted SAPs and entered into implementing agreements with the wildlife agencies. As previously stated, the City of Carlsbad has adopted its SAP so if the City of Oceanside were to follow suit the following would be required to be established, thereby resulting in a commitment for significant City staff time to be expended:

1. Elected Officials Committee to develop financial support and ensure coordinated management and monitoring;
2. Staff Subcommittee to ensure coordination and implementation among cities and make recommendations; and
3. Stakeholders Subcommittee to implement public outreach and recommend actions.

The Annual On-going Costs includes funds for program administration. The Draft SAP assumes that a biologist or planner will oversee implementation; however, there was no assumption that program administration would include City participation in regional meetings. As noted above, City participation includes a staff subcommittee, which could involve more than one City staff position as current monitoring of City managed habitat areas include Planning, Water Utilities, and Property Management Division staff. There is also a Stakeholder subcommittee to implement public outreach and education that would presumably be supported by participating jurisdictions. If the SAP were to be adopted, further analysis on the cost of program administration, including participation in regional meetings, would need to be conducted.

It should be noted that, during recent meetings with the previously described stakeholder's group, it was acknowledged that the financial commitments prepared in 2017 and outlined above should be revisited to ensure their accuracy and members of that group, including wildlife agency representatives, committed to identifying potential external funding sources or supporting potential SAP modifications that could reduce the City's financial obligations.

Proposed General Plan Policy Approach

Staff analyzed the goals and objectives accomplished through adoption of either an SAP or General Plan policies. According to the 2010 Draft SAP, "the overall goal of the City's SAP is to contribute to regional biodiversity and the viability of rare, unique or sensitive biological resources throughout the City and the larger region while allowing public and private development to occur consistent with the City's General Plan and Capital Improvement Program." The objectives of the SAP are to preserve plant and animal species, contribute to regional conservation efforts, and provide a clear process for private and public development.

These same SAP goals and objectives may be accomplished through adoption of VSRE policies in the General Plan Update and/or by added Zoning Code language. For example, at minimum habitat conservation goals and policies in the VSRE could include such language as:

To conserve viable populations of endangered, threatened, and key sensitive species and their habitats, in support of the County Multiple Habitat Conservation Plan:

- 1. Development will be sited to avoid or reduce impacts to habitat;*
- 2. Impacts to development will be mitigated per the adopted ratio table (i.e., removal of coastal sage scrub to be mitigated at 3:1 replacement value);*
- 3. Mitigation should be prioritized to occur in the Wildlife Corridor Planning Zone, as delineated in the Draft SAP;*
- 4. Buffers shall be applied to protect habitat, with flexibility depending on the location, extent, and quality of the habitat;*
- 5. Maintenance standards shall be established for preserved habitat;*
- 6. If funding is available, the City should explore acquiring private land with significant habitat value from willing sellers;*
- 7. GIS map layers, including vegetation and habitat preserves would also be updated on a regular basis.*

The above-noted language is just a preliminary example of the type of language that could be included but would likely be expanded to include other key preservation strategies. Upon City Council direction, staff would continue dialogue and collaborate with wildlife agencies to develop agreeable and more definitive General Plan language, as well as request additional public feedback through the General Plan Update public outreach process.

Overall, the General Plan policy approach would provide a reasonable balance between habitat conservation and a more efficient development review process, while ensuring fiscal responsibility. Ultimately, updated General Plan policies and goals would facilitate protection and conservation of critical habitat for sensitive wildlife species, without the financial burdens on the City and onerous regulation of development that the Draft SAP prescribes.

Summary

As outlined above, staff has analyzed the potential City benefits and consequences associated with adoption of an SAP versus VSRE policies in the General Plan Update, already underway. Should the City Council decide that pursuing adoption of an SAP is warranted, then staff recommends City Council direct staff to do so after adoption of the General Plan Update. As previously stated, completing review and finalization of the SAP would require significant staff time and resources that are currently unavailable due to the General Plan Update's rigorous schedule and limited budget.

FISCAL IMPACT

In 2018, AECOM estimated that the City has expended approximately \$920,388 since 1996 (in constant 2016 dollars) in efforts to adopt the SAP. Direction to pursue a policy approach would not result in any additional impacts to the General Plan Update budget, as the current scope of work for the General Plan Update already accounts for this task. Direction to adopt the Draft SAP, however, would involve significant budget impacts including identifying and appropriating additional funds for habitat acquisition, maintenance, and monitoring, as well as staffing resources needed to implement the plan, as described in the Analysis section above. In addition to those previously described costs, staff estimates additional consultant costs of approximately \$350,000 to fully update the SAP, plus staff time.

ENVIRONMENTAL DETERMINATION

This direction from Council is exempt from the California Environmental Quality Act (CEQA), per section 15061(b)(3) of the CEQA Guidelines that applies when there is no possibility that the activity may have a significant effect on the environment. Subsequent adoption of policies in the general plan or adoption of the SAP will be subject to compliance with CEQA.

COMMISSION OR COMMITTEE REVIEW

On September 13, 2021, the Planning Commission reviewed and commented on the Draft Community Vision for the General Plan Update, which describes how the city will grow over the next several decades. The Commission received public testimony providing reasons why the SAP should be adopted with the General Plan Update. The Commission's comments on the Vision did not include any support to adopt the SAP as part of the General Plan Update.

CITY ATTORNEY'S ANALYSIS

Does not apply.

RECOMMENDATION


Staff recommends that City Council direct staff to incorporate policies from the Draft Subarea Habitat Conservation Plan into the General Plan Update and cease further efforts towards adoption of a new Subarea Plan (SAP); thereby, conserving wildlife habitat and species while minimizing City financial obligations.

PREPARED BY:



Stefanie Cervantes
Associate Planner

SUBMITTED BY:



Deanna Lorson
City Manager

REVIEWED BY:

Jonathan E. Borrego, Deputy City Manager

Darlene Nicandro, Development Services Deputy Director

Sergio Madera, Interim City Planner

Russ Cunningham, Principal Planner



ATTACHMENTS:

1. February 7, 2019 Memorandum
2. July 21, 2021 Memorandum
3. Notice of Exemption



City of Oceanside
Development Services Department
Planning Division

Memorandum

Date: February 7, 2019

To: Honorable Mayor and City Councilmembers

Through: Michelle Skaggs Lawrence, City Manager
Deanna Lorson, Assistant City Manager

From: Jonathan E. Borrego, Development Services Director
Jeff Hunt, City Planner

By: Stefanie Cervantes, Planner I

Subject: Oceanside Draft Subarea Plan (SAP) Alternatives and Anticipated staff Action

The City's Draft Subarea Plan (SAP) outlines the means by which the City will conserve natural biotic communities and sensitive plant and wildlife species pursuant to the California Natural Community Conservation Planning Act (NCCPA) and the U.S. Endangered Species Act (ESA). The City has made a significant investment in preparing the Draft SAP and related documents, and it is the expectation of the Wildlife Agencies and other regional entities that the City will either adopt the Draft SAP or pursue an alternative that provides similar benefits to sensitive biotic communities in Oceanside.


In coordination with AECOM, the City's SAP consultant, staff has developed four (4) options for consideration. Three of the options presented would result in substantial costs to the City as they involve the acquisition, restoration and on-going maintenance of habitat area. The ultimate costs associated with these three options vary based on the number of species to be protected but start-up costs are estimated at \$15 million with annual maintenance costs ranging from \$463,000 to \$714,000. In light of these substantial costs, staff is proceeding with the fourth option presented. This option includes the adoption and implementation of the key goals, objectives, and policies of the existing Draft SAP by incorporating them into the City's existing General Plan. Under this option, the City would not commit to funding habitat conservation, which is the primary cost associated with the other three alternatives, with the exception project-specific mitigation associated with future capital projects. Staff is pursuing this alternative as it achieves the basic preservation goals of the Draft SAP without committing the City to an excessive financial obligation. This option could be implemented as part of an update to the Natural Resources Management Element, which will be pursued independently or as part of a Comprehensive General Plan Update.



Please feel free to contact us with any questions. The Draft Oceanside Subarea Habitat Conservation Plan is available on the City's website at: <https://www.ci.oceanside.ca.us/gov/dev/planning/subarea.asp>.

MEMORANDUM

Development Services Department

To: Honorable Mayor and City Council

Through: Deanna Lorson, City Manager 

From: Jonathan E. Borrego, Deputy City Manager/Devp. Services Director 
Jeff Hunt, City Planner 

Date: July 21, 2021

Subject: Subarea Plan Status and Potential Mitigation on City-Owned Land

Background:

As described in the attached February 2019 City Council pass-through memo, the City's Draft Subarea Plan (SAP) seeks to protect the City's sensitive habitat and wildlife species through a series of policies and programs primarily implemented in conjunction with the review of development projects. The SAP has never been formally adopted although, historically, staff has implemented the document's key policies as if it were. To date, staff has not recommended SAP adoption primarily due to concerns regarding direct costs to the City related to the acquisition and management of habitat area. Estimates prepared in the past identified start-up costs of \$15 million with annual maintenance costs ranging from \$463,000 to \$714,000, depending on the extent of species to be protected. Because of these costs and some of the Draft SAP's policy language that staff considers overly restrictive, staff had recommended an approach that would incorporate key SAP policies into the Conservation and Open Space Element being prepared as part of the on-going comprehensive General Plan Update Program, as an alternative to SAP adoption.

Updates:

Earlier this year, staff was approached by wildlife agency staff and representatives of local conservation groups requesting reconsideration of the recommendation against SAP adoption. Recognizing that cost is the primary barrier toward SAP adoption, wildlife agency representatives have suggested an approach that would result in SAP adoption without imposing a direct financial obligation to the City. This would be accomplished by incorporating language into the document clarifying that funding to support the acquisition and on-going maintenance of habitat area would be subject to the availability of external funding sources (e.g., grants, developer contributions, endowments, etc.). Wildlife agency staff have also committed to assisting the City identify such funding sources as they become available. Such

language changes would address prior staff concerns that adoption of the Draft SAP would directly obligate the City to financially support implementation of the plan. Further, wildlife agency staff have agreed to work with City staff to refine the language that staff believes is too restrictive towards future development. With these changes, staff would recommend pursuing formal adoption of the SAP as a follow up action to General Plan adoption.

Through these recent conversations, wildlife agency staff have also inquired as to the feasibility of allowing local developers to implement habitat restoration on certain City-owned lands (e.g., El Corazon and property near the Mauro Preserve, adjacent to Camp Pendleton). This would assist our local development community by allowing them to mitigate habitat impacts on their project sites by restoring habitat on City-owned land. In the case of El Corazon, the Specific Plan EIR identifies approximately 150-acres of habitat area to be preserved and/or restored. Allowing local developers to complete habitat restoration projects on El Corazon would assist the City in meeting its habitat restoration obligations without direct cost or responsibility to the City. Future developers would bear the direct cost of restoring habitat and setting up an endowment to fund long-term maintenance. Wildlife agency representatives have indicated, in writing, that the City as landowner would not be responsible for maintaining these areas in the future should restoration efforts or an endowment fail. Staff supports establishing a program that would allow private developers to establish mitigation areas on certain City-owned lands as long as there is no immediate or future direct financial impact to the City and sufficient mitigation areas remain available for City-initiated projects.

As described above, staff is supportive of pursuing formal adoption of the Draft SAP, assuming it is revised to reflect the changes described in this memo. The first step in this process would be to determine the cost of amending the document to support adoption and identify a funding source. Assuming the costs are reasonable and a funding source is identified, staff would present the document to the Planning Commission and City Council for adoption but not until after the General Plan Update program is complete. Staff also intends to take steps to develop and implement a program that would allow local developers to pursue habitat restoration on certain City-owned lands. We will seek Council approval of the terms of the final program once they have been developed and prior to implementation.

Feel free to contact Jonathan or Jeff with any questions.

Attachment: City Council Memo (February 7, 2019)



City of Oceanside
Development Services Department
Planning Division

Memorandum

Date: February 7, 2019

To: Honorable Mayor and City Councilmembers

Through: Michelle Skaggs Lawrence, City Manager
Deanna Lorson, Assistant City Manager

From: Jonathan E. Borrego, Development Services Director
Jeff Hunt, City Planner

By: Stefanie Cervantes, Planner I

Subject: **Oceanside Draft Subarea Plan (SAP) Alternatives and Anticipated staff Action**

The City's Draft Subarea Plan (SAP) outlines the means by which the City will conserve natural biotic communities and sensitive plant and wildlife species pursuant to the California Natural Community Conservation Planning Act (NCCPA) and the U.S. Endangered Species Act (ESA). The City has made a significant investment in preparing the Draft SAP and related documents, and it is the expectation of the Wildlife Agencies and other regional entities that the City will either adopt the Draft SAP or pursue an alternative that provides similar benefits to sensitive biotic communities in Oceanside.

In coordination with AECOM, the City's SAP consultant, staff has developed four (4) options for consideration. Three of the options presented would result in substantial costs to the City as they involve the acquisition, restoration and on-going maintenance of habitat area. The ultimate costs associated with these three options vary based on the number of species to be protected but start-up costs are estimated at \$15 million with annual maintenance costs ranging from \$463,000 to \$714,000. In light of these substantial costs, staff is proceeding with the fourth option presented. This option includes the adoption and implementation of the key goals, objectives, and policies of the existing Draft SAP by incorporating them into the City's existing General Plan. Under this option, the City would not commit to funding habitat conservation, which is the primary cost associated with the other three alternatives, with the exception project-specific mitigation associated with future capital projects. Staff is pursuing this alternative as it achieves the basic preservation goals of the Draft SAP without committing the City to an excessive financial obligation. This option could be implemented as part of an update to the Natural Resources Management Element, which will be pursued independently or as part of a Comprehensive General Plan Update.

Please feel free to contact us with any questions. The Draft Oceanside Subarea Habitat Conservation Plan is available on the City's website at: <https://www.ci.oceanside.ca.us/gov/dev/planning/subarea.asp>.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** City of Oceanside
2. **ADDRESS:** 300 N. Coast Highway, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 435-3561
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Stefanie Cervantes, Associate Planner
6. **PROJECT TITLE:** Incorporate Conservation Policies into General Plan Update and Cease Subarea Plan Adoption Efforts
7. **DESCRIPTION:** The City of Oceanside is proposing to incorporate policies from the Draft Subarea Habitat Conservation Plan into the General Plan Update and cease further efforts towards adoption of a new Subarea Plan, thereby conserving wildlife habitat and species while minimizing City financial obligations.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Planning Division finds that the proposed project would not, in and of itself, occasion land development or any other material change to the environment. Projects subject to the amended provisions would be subject to separate CEQA review. Therefore, the Planning Division has determined that further environmental evaluation is not required because:

- ☒ "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- ☐ The project is statutorily exempt, Section _____, (Sections 15260-15277); or,
- ☐ The project is categorically exempt, Class 8, "Action by Regulatory Agencies for Protection of the Environment" per Section 15308 of the California Environmental Quality Act; or,
- ☐ The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: December 9, 2021

Stefanie Cervantes, Associate Planner

cc: ☒ Project file ☒ Counter file ☒ Library Posting: ☐ County Clerk \$50.00 Admin. Fee