

# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

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## Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

**PROJECT: Melrose Heights Project**  
**Certification Number R9-2015-0162**  
**WDID: 9000002907**

Reg. Meas. ID: 403100  
Place ID: 818574  
Party ID: 553257  
Person ID: 553256

**APPLICANT: USL2 Oceanside, G.P LLC**  
**5927 Priestly Drive, Suite 110**  
**Carlsbad, CA 92008**

### ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	

### PROJECT DESCRIPTION

An application dated October 5, 2015 was submitted by USL2 Oceanside, G.P. LLC (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed Melrose Heights Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on November 16, 2016. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2015-00693-WSZ).

The Project is located within the City of Oceanside, San Diego County, California at the intersection of Oceanside Boulevard and West Bobier Drive. The Project center reading is located at latitude 33° 13' 18.28" and longitude -117° 15' 31.25". The Applicant has paid all required application fees for this Certification in the amount of \$13,892.00. On an annual basis, the Applicant must also pay all active discharge fees and post discharge monitoring fees, as appropriate<sup>1</sup>. On November 16, 2017, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site

<sup>1</sup> Additional information regarding fees can be found electronically at the following location:  
<http://www.waterboards.ca.gov/resources/fees/>

and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes to develop 36.54 acres of a 70.65 acre site for residential and commercial use. The project proposes to build 33 detached homes, 268 townhomes, 20,000 square feet of commercial space, and leave 34.11 acres of open space.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction BMPs) to treat waste and reduce runoff or other effluents which may be discharged. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project will not cause on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.1 acre (1029 linear feet) of non-wetland waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density. The applicant has avoided 2.19 acres of wetland waters of the United States and/or State.

The Applicant reports that compensatory mitigation for the permanent loss of 0.1 acre of jurisdictional waters will be achieved through the purchase of 0.3 acres of United States Army Corps of Engineers wetlands re-establishment credits from the Brook Forest Mitigation Bank located in within hydrologic sub area HSA 903.14 in Valley Center, San Diego County, California.

Additional Project details are provided in Attachments 1 through 4 of this Certification.

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- 1. Definitions**
- 2. Project Location Maps**
- 3. Project Site Plans**
- 4. Mitigation Figures**
- 5. CEQA Mitigation Monitoring and Reporting Program**

## I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

## II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2015-0162 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:  
  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/gowdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf).
- D. **Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein.

Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.

- E. Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 USC section 1313). The Basin Plan is accessible at:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/basin\\_plan/index.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml)

- F. Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water Board for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
  3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
  4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
  2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the Loma Alta Creek or the unnamed tributaries to Guajome Creek which drains to the San Luis Rey River or their tributaries;
  3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
  4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
  5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.

- K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.
- L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.
- M. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.

- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- I. **Process Water.** Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- K. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.

- N. **Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.
- O. **On-site Qualified Biologist.** The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the Certification requirements. The biologist shall be given the authority to stop all work on-site if a violation of this Certification occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available for review upon request by the San Diego Water Board.
- P. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of Loma Alta Creek, Guajome Creek, and the San Luis River, and their unknown tributaries. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VII.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.

#### IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or stream habitats.
- B. **Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. **Post-Construction BMP Design.** The Project must be designed to comply with the requirements for priority development projects in section E.3 of the Regional MS4 Permit Order No. R9-2013-0001, *National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s Draining the Watersheds within the San Diego Region* (Regional MS4 Permit) as well as the most current BMP Design Manual for the City of Oceanside. Where conflict exists between the referenced documents the most stringent requirements shall apply.

**D. Post-Construction BMP Maintenance.** The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)<sup>2</sup> guidance. The Applicant shall:

1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
4. Identify and promptly repair damage to BMPs; and
5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.

## **V. PROJECT IMPACTS AND COMPENSATORY MITIGATION**

**A. Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.

**B. Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to Loma Alta Creek, Guajome Creek, and the San Luis River, and their unknown tributaries within the San Luis Rey Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

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<sup>2</sup> California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line at: <http://www.cabmphandbooks.org/> [Accessed on January 15, 2012]

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
<b>Permanent Impacts</b>						
Stream Channel	0.1 <sup>1</sup>	1029 <sup>1</sup>	0.3 Re-establishment <sup>2</sup>	3:1	N/A <sup>3</sup>	N/A <sup>3</sup>

1. Impacts to 0.1 acre (1029 linear feet) of unvegetated streambed
2. Streambed re-establishment through purchase of 0.3 acre of re-established wetland waters of the United States credits from the Brook Forest Mitigation Bank in Valley Center, CA.
3. Linear-foot compensatory mitigation is not required for this Project. Compensatory mitigation provided at the Brook Forest Mitigation Bank is considered to be a large, contiguous restoration area that restores wetland functions, services, and values, as well as a suite of beneficial uses (WARM, WILD, and RARE).
4. All areas of temporary impacts must be restored to pre-project contours and re-vegetated with native species.

**D. Compensatory Mitigation Purchase.** Prior to construction, the applicant must provide the San Diego Water Board proof of mitigation credit purchase from the Brooke Forest Mitigation Bank in the amount of 0.3 acre of wetland waters of the United States re-establishment credit prior to the start of construction.

The use of an alternate mitigation bank to provide required compensatory mitigation must be approved by the San Diego Water Board before the credits are secured and is subject to the following conditions:

1. The Discharger must identify the USACE approved mitigation bank and submit documentation demonstrating that:
  - a. The permitted Project impacts are located within the service area of the mitigation bank; and
  - b. The mitigation bank has the appropriate number and resource type of credits available.
2. If the San Diego Water Board approves of the use of the alternate mitigation bank, the Discharger must provide documentation verifying that the appropriate number and resource type of credits have been secured from the mitigation bank prior to the start of construction.

**E. Compensatory Mitigation Responsibility.** The Applicant shall retain responsibility for providing the compensatory mitigation with long term management until the San Dieog Water Board has received documentation of credit purchase.

## VI. MONITORING AND REPORTING REQUIREMENTS

A. **Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1<sup>st</sup> through December 31<sup>st</sup> of each year. Annual Project Progress Reports must include, at a minimum, the following:

1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
  - a. The names, qualifications, and affiliations of the persons contributing to the report;
  - b. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
  - c. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
  - d. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

B. **Final Project Completion Report.** The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project.** The final report must include the following information:

1. Date of construction initiation;
2. Date of construction completion;
3. BMP installation and operational status for the Project;
4. As-built drawings of the Project, no bigger than 11”X17”;
5. Photo documentation of implemented post-construction BMPs and all areas of permanent and temporary impacts, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/docs/StreamPhotoDocSOP.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf). In addition, photo documentation must include

Global Positioning System (GPS) coordinates for each of the photo points referenced.

- C. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- D. **Electronic Document Submittal.** The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov). Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. R9-2015-0162:818574:ngergans  
2375 Northside Drive, Suite 100  
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2015-0162:818574:ngergans.

- E. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
  2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
  4. A duly authorized representative may sign applications, reports, or information if:
    - a. The authorization is made in writing by a person described above.
    - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.

- c. The written authorization is submitted to the San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

- F. **Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be certified as follows:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

## VII. NOTIFICATION REQUIREMENTS

- A. **Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. **Hazardous Substance Discharge.** Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.

- C. Oil or Petroleum Product Discharge.** Except as provided in Water Code section 13272(b), any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.
- D. Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
- 1. Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**
  - 2. Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
  - 3. Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such

documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board within **10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of responsibility for compliance with this Certification in the event that a transferee fails to comply.

## **VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE**

- A. The City of Oceanside is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated June 22, 2018 for the Final Environmental Impact Report (FEIR) titled Melrose + Oceanside Final Impact Report (State Clearing House Number 2015081067). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's FEIR and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the FEIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 4 to this Certification. The Applicant shall implement the Lead Agency's MMRP described in the FEIR, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional MMRP requirements as specified in sections V and VI of this Certification.
- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

## **IX. SAN DIEGO WATER BOARD CONTACT PERSON**

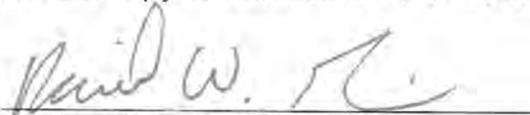
Nicole Gergans, Environmental Scientist  
Telephone: (619) 521-3369  
Email: [nicole.gergans@waterboards.ca.gov](mailto:nicole.gergans@waterboards.ca.gov)

## X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Melrose Heights Project** (Certification No. R9-2015-0162) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2015-0162 issued on October 30, 2018.



DAVID W. GIBSON  
Executive Officer  
San Diego Water Board

30 October 2018  
Date

# ATTACHMENT 1

## DEFINITIONS

**Activity** - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

**Buffer** - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

**California Rapid Assessment Method (CRAM)** - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

**Compensatory Mitigation Project** - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

**Discharge of dredged material** – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

**Discharge of fill material** – means the addition of fill material into waters of the United States and/or State.

**Dredged material** – means material that is excavated or dredged from waters of the United States and/or State.

**Ecological Success Performance Standards** – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

**Enhancement** – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Establishment** – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

**Fill material** – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

**Isolated wetland** – means a wetland with no surface water connection to other aquatic resources.

**Mitigation Bank** – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

**Preservation** - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Re-establishment** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

**Rehabilitation** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

**Restoration** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

**Start of Project Construction** - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

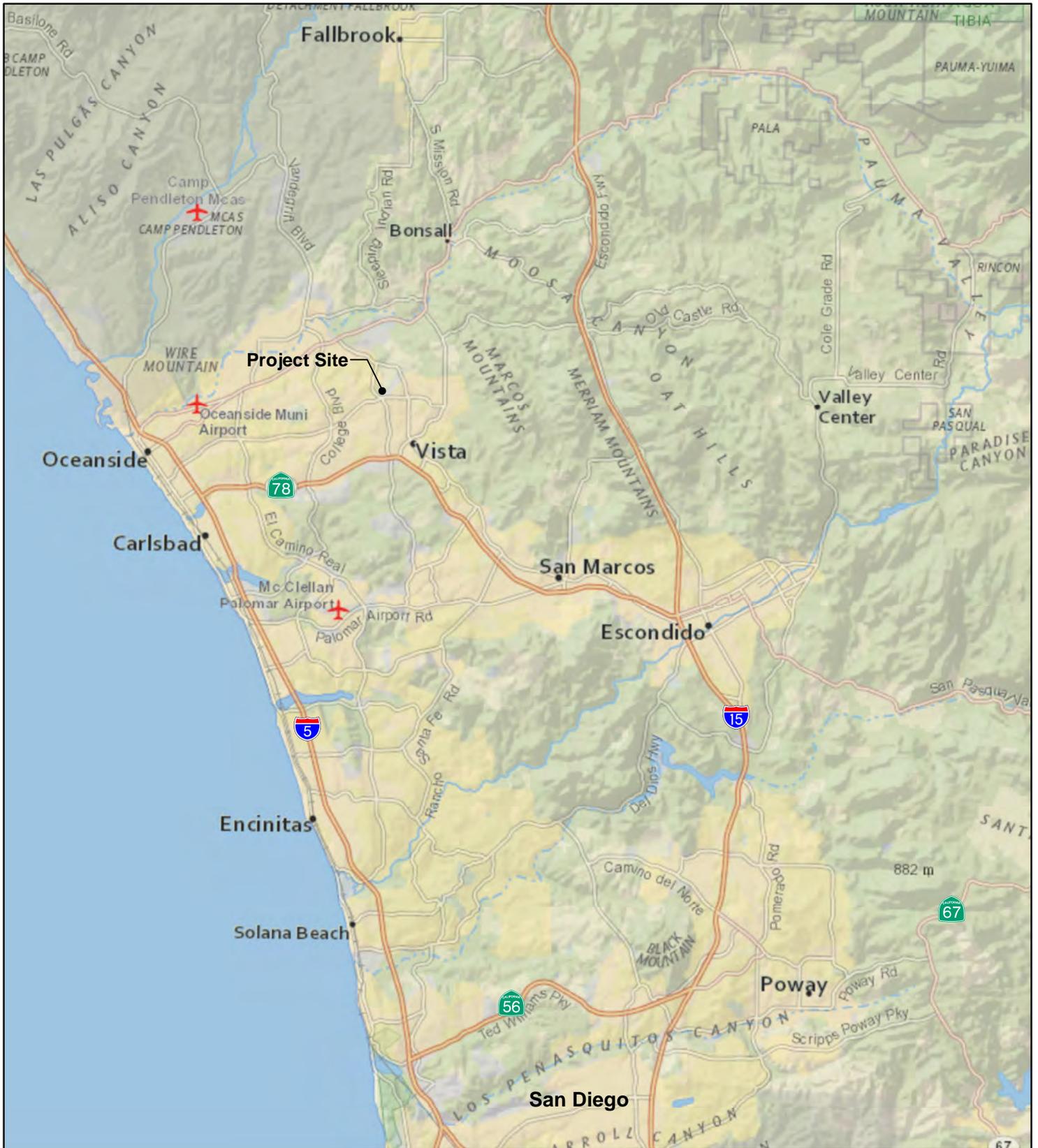
**Uplands** - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

**Water quality objectives and other appropriate requirements of state law** – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

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**ATTACHMENT 2  
PROJECT LOCATION MAPS**

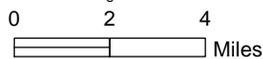
- 1) Figure 1 – Regional Location**
- 2) Figure 2 – Project Location**

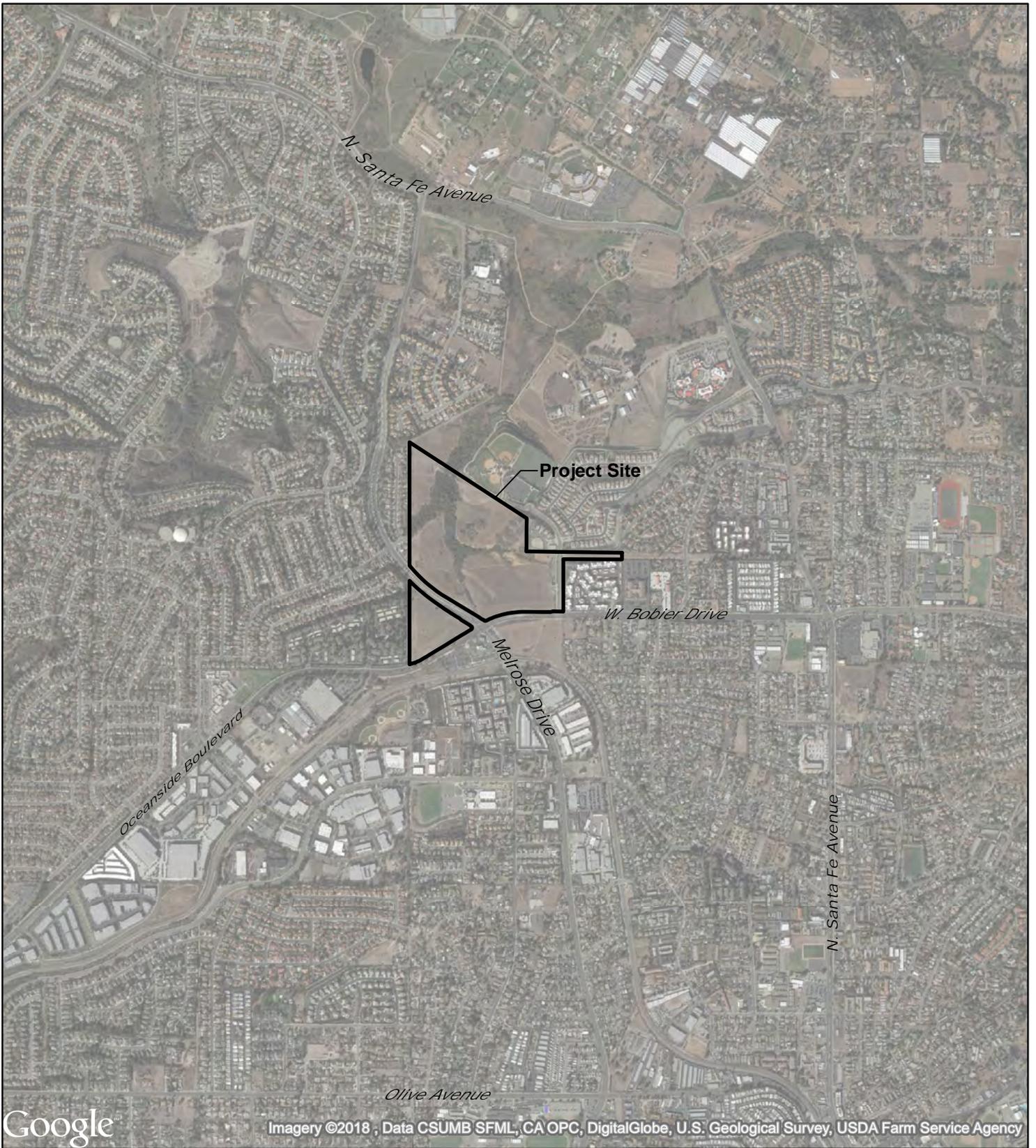


**Figure 1**

Regional Location

MELROSE + OCEANSIDE

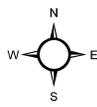




**Figure 2**

**Project Location**

MELROSE + OCEANSIDE



0 1,000 2,000  
Feet

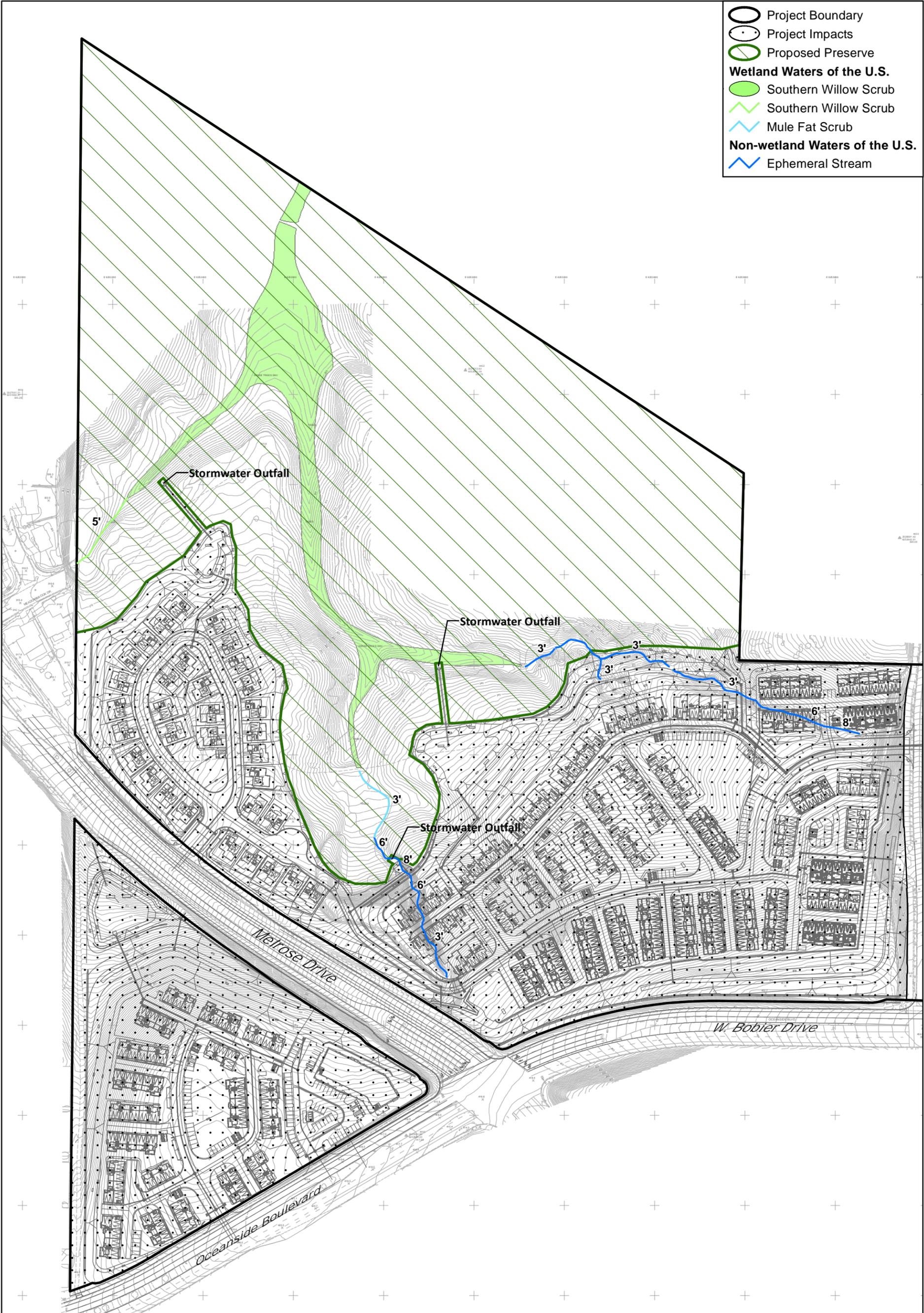


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**ATTACHMENT 3  
PROJECT SITE PLANS**

**1) Figure 3 – Corps Jurisdictional Delineation**

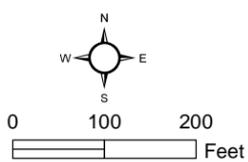
-  Project Boundary
-  Project Impacts
-  Proposed Preserve
- Wetland Waters of the U.S.**
-  Southern Willow Scrub
-  Southern Willow Scrub
-  Mule Fat Scrub
- Non-wetland Waters of the U.S.**
-  Ephemeral Stream



**Figure 3**

**Corps Jurisdictional Delineation**

MELROSE + OCEANSIDE



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Melrose Heights  
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**ATTACHMENT 4**  
**CEQA MITIGATION MONITORING AND REPORTING PROGRAM**



SUMMARY OF IMPACTS	MITIGATION MEASURES (MM)	TYPE	MONITOR	SCHEDULE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>LEGEND: CM = DURING CONSTRUCTION OF THE PROJECT; OM = DURING OPERATION OF THE PROJECT; -- = NOT APPLICABLE.</p>					
<p>Additionally, the SDAB is in non-attainment for PM<sub>10</sub>. Accordingly, the Project's long-term emissions of ROG<sub>s</sub> and PM<sub>10</sub> would contribute to existing air quality violations, and this represents a significant impact.</p> <p>As shown in Table 4.2-7, with implementation of Mitigation Measure MM 4.2-1 Project operational emissions for ROG<sub>s</sub> and PM<sub>10</sub> would be reduced to a level below significant. Accordingly, with the required mitigation and compliance with state and federal air quality regulations that are not accounted for in the air quality calculations presented in Table 4.2-6, the Project's impacts due to a substantial contribution to an existing air quality violation and emissions of substantial criteria pollutants for which the region is non-attainment would be reduced to less-than-significant levels on both a direct and cumulative basis.</p>					
<p><u>Threshold d:</u> During the Project's construction, DPM emissions associated with exhaust from diesel-fueled construction equipment would result in an incremental increase in carcinogenic risk of 0.792 individuals per one million. The Project's increase in carcinogenic risk would not exceed the threshold of 1.0 individuals per million. Accordingly, the Project's construction-related DPM incremental cancer rate would be less than significant.</p>	No Mitigation is Required.	--	--	--	Less-than-Significant Impact
<p><u>Threshold e:</u> Odors produced during near-term construction and long-term operational activities would be required to comply with SDAPCD Rule 51 (Public Nuisance) and California Health &amp; Safety Code, Division 26, Part 4, Chapter 3, Section § 41700, which prohibit the emission of any material which causes nuisance to a considerable number of persons or endangers the comfort, health or safety of the public, including odors. Nonetheless, in the absence of mitigation, odors associated with DPM emissions would be considered significant.</p>	No Mitigation is Required.	--	--	--	Less-than-Significant Impact
<p><b>4.3 Biological Resources</b></p>					
<p><u>Threshold a:</u> Implementation of the proposed Project would result in direct and cumulatively considerable impacts to up to 16 thread leaved brodiaea individuals, which is listed as a Federal threatened, and State endangered species. In addition, the Project would result in direct and cumulative impacts to Diegan coastal sage scrub</p>	MM 4.3-1 Prior to the issuance of any permits authorizing ground-disturbing activities, the Project Applicant shall conduct corm salvage and transplantation of thread-leaved brodiaea individuals within the Project's development footprint to the proposed Preserve on-site. The salvage and transplantation shall occur in accordance with a salvage, transplantation,	CM	USFWS and CDFW	Prior to issuance of any permits authorizing ground-	Less-than-Significant Impact



SUMMARY OF IMPACTS	MITIGATION MEASURES (MM)	TYPE	MONITOR	SCHEDULE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>LEGEND:</b> CM = DURING CONSTRUCTION OF THE PROJECT; OM = DURING OPERATION OF THE PROJECT; -- = NOT APPLICABLE.</p>					
<p>habitat, which provides nesting and foraging habitat for the California coastal gnatcatcher. Furthermore, the Project would result in direct and cumulative impacts to the southern willow scrub and mule fat scrub habitat, which provides nesting and foraging habitat for the least Bell's vireo. Indirect impacts associated with the Project (i.e., lighting, noise during construction, non-native plant invasion, loss of raptor habitat, and human intrusion) also are considered potentially significant. Impacts to the remaining sensitive plant and animal species either observed or with a potential to occur on-site would be less than significant.</p> <p>Impacts to 16 individual thread leaved brodiaea plants would be mitigated through implementation of Mitigation Measure MM 4.3-1. Mitigation Measure MM 4.3-1 requires that prior to the issuance of grading permits, an on-site thread leaved brodiaea corm salvage and transplantation to the proposed Preserve on-site occurs. The salvage and transplantation are required to occur in accordance with a salvage, transplantation, and management plan approved by USFWS and CDFW. Pursuant to Mitigation Measure MM 4.3-1, the transplanted corms would be required to be maintained and monitored for a period of seven years. Implementation of Mitigation Measure MM 4.3-1 would reduce the Project's direct and cumulatively considerable impacts to the thread leaved brodiaea to below a level of significant.</p> <p>The coastal California gnatcatcher was observed on-site, and was suspected to be a migrant bird that may not breed on-site due to the small area of habitat on-site. Impacts to 1.2-acre of coastal sage scrub habitat, which provides nesting and foraging habitat for the coastal California gnatcatcher would be reduced to a level below significant with implementation of Mitigation Measure MM 4.3-2, while impacts to gnatcatchers during construction activities would be reduced to below a level of significant with implementation of Mitigation Measures MM 4.3-3 and MM 4.3-5. Mitigation Measure MM 4.3-2 requires compensatory preservation of coastal sage scrub at a minimum 3:1 ratio within the on-site open space areas. As required by Mitigation Measure MM 4.3-2, lands set aside as mitigation shall be protected with conservation easements and dedicated in fee to an appropriate entity or nonprofit organization, and a long-term Habitat Management Plan (HMP) also will be</p>	<p>and management plan subject to approved by the USFWS and CDFW Prior to the translocation effort, the HMP required pursuant to Mitigation Measure MM 4.3-2 shall be updated to include long-term management measures and success criteria for the transplantation effort. The transplanted corms shall be maintained and monitored for a period of seven years.</p> <p>MM 4.3-2 Prior to issuance of grading permits or commencement of ground disturbing activities for each phase of the proposed Project, the Project Applicant shall provide evidence to the City of Oceanside Planning Division that impacts to 1.2 acres of Diegan coastal sage scrub habitat are mitigated through compensatory preservation at a (mitigation: impact) 3:1 ratio (approximately 3.6 acres) and impacts to 31.9 acres of non-native grassland are mitigated through compensatory preservation at a 0.5:1 ratio (approximately 16.0 acres). Mitigation shall occur through on-site habitat preservation within the open space areas in the northern portions of the Project site. Lands set aside as mitigation shall be protected with conservation easements and dedicated in fee to an appropriate entity or nonprofit organization, approved by the City, which will take over management responsibilities and liability. A long-term Habitat Management Plan (HMP) also will be prepared by a qualified biologist prior to the issuance of the first grading permit to outline biological resources on-site, provide for monitoring of biological resources, address potential impacts to biological resources, and identify actions to be taken to eliminate or minimize those impacts, including success criteria as applicable. A Property Analysis Record (PAR), or PAR-equivalent analysis, will be included to determine the amount of funding needed for the perpetual management, maintenance, and monitoring of such lands. A maintenance entity will be identified as part of the HMP. The plan will be submitted to the City and agencies for approval. The property owner shall be required to establish a funding mechanism such as a non-wasting endowment to fund the management of the Project-related mitigation lands in perpetuity. Evidence of compliance with this requirement shall be provided prior to issuance of grading permits.</p> <p>MM 4.3-3 Clearing and grubbing of Diegan coastal sage scrub shall occur between September 1 and February 14 to avoid the gnatcatcher nesting season. Clearing and grubbing of Diegan coastal sage scrub may occur</p>	<p>CM</p> <p>CM</p>	<p>Planning Division</p> <p>Planning Division</p>	<p>disturbing activities</p> <p>Prior to issuance of grading permits or commencement of ground disturbing activities for each phase of the proposed Project</p> <p>During construction and grading</p>	



SUMMARY OF IMPACTS	MITIGATION MEASURES (MM)	TYPE	MONITOR	SCHEDULE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>LEGEND: CM = DURING CONSTRUCTION OF THE PROJECT; OM = DURING OPERATION OF THE PROJECT; -- = NOT APPLICABLE.</p>					
<p>prepared to outline biological resources on-site. Mitigation Measure MM 4.3-3 requires that clearing and grubbing of the Diegan coastal sage scrub habitat occur outside of gnatcatcher breeding season, and notes that grading may occur before the end of breeding season if nesting surveys determine that all nesting is complete. Mitigation Measure MM 4.3-5 requires a Biological Monitor be present during grading activities and during construction activities within 500 feet of gnatcatcher habitat to ensure compliance with all mitigation measures, and provides duties of the Biological Monitor.</p> <p>As mentioned above, the least Bell's vireo was observed breeding on-site. Impacts to 0.03 acre of southern willow scrub and 0.01 acre of mule fat scrub habitat, which provides nesting and foraging habitat for the least Bell's vireo, would be reduced to a level below significant with implementation of Mitigation Measure MM 4.3-8 (refer also to the discussion under Threshold b), while impacts to least Bell's vireo nests during construction activities would be reduced to below a level of significant with implementation of Mitigation Measures MM 4.3-4 and MM 4.3-5. Mitigation Measure MM 4.3-8 requires compensatory preservation of southern willow scrub and mule fat scrub riparian/wetland habitats at a minimum 3:1 ratio. Mitigation Measure MM 4.3-4 requires that clearing and grubbing within 500 feet of the wetland/riparian habitat shall avoid the least Bell's vireo breeding season, and notes that grading may occur before the end of breeding season if nesting surveys determine that all nesting is complete. Mitigation Measure MM 4.3-5 requires a Biological Monitor be present during grading activities and during construction activities within 500 feet of vireo habitat to ensure compliance with all mitigation measures, and provides duties of the Biological Monitor.</p> <p>Indirect impacts to the on-site open space areas associated with the Project include lighting, construction noise, non-native plant invasion, loss of raptor habitat, and human intrusion. Mitigation Measure MM 4.3-6 imposes requirements for Project lighting. Mitigation Measure MM 4.3-6 would reduce Project impacts due to lighting to a level below significant. Mitigation Measures, MM 4.3-3, MM 4.3-4 and MM 4.3-5 would ensure that indirect effects</p>	<p>before September 1 if nesting surveys determine that all nesting is complete.</p> <p>MM 4.3-4 Clearing and grubbing within 500 feet of wetland/riparian habitat shall occur between September 16 and March 14 to avoid the vireo nesting season. Clearing and grubbing adjacent to wetland/riparian habitat may occur before September 16 if nesting surveys determine that all nesting is complete.</p> <p>MM 4.3-5 A Carlsbad Fish and Wildlife Office- (USFWS-) approved biologist (Biological Monitor) shall be on site: 1) during clearing and grubbing and 2) weekly during Project construction within 500 feet of vireo and/or gnatcatcher habitat to ensure compliance with all mitigation measures. The Project Applicant shall submit the biologist's name, address, telephone number, and work schedule on the Project to the USFWS at least five working days prior to initiating Project impacts. The contract of the Biological Monitor shall allow direct communication with the USFWS at any time regarding the Project. The Biological Monitor shall be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor on-going work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed. The Biological Monitor shall perform the following duties:</p> <p>a. The Biological Monitor shall perform a minimum of three focused surveys, on separate days, to determine the presence of vireo and/or gnatcatcher nest-building activities, egg incubation activities, or brood rearing activities within 500 feet of Project construction proposed during each species' breeding season. The surveys shall begin a maximum of seven days prior to Project construction, and one survey shall be conducted the day immediately prior to the initiation of work. Additional surveys shall be done once a week during Project construction in the breeding season. These additional surveys may be suspended as approved by the USFWS. The Project Applicant shall notify the USFWS at least seven days prior to the initiation of surveys and within 24 hours of locating any vireos and/or gnatcatchers.</p>	<p>CM</p> <p>CM</p>	<p>Planning Division</p> <p>USFWS</p>	<p>During construction and grading</p> <p>During construction and grading</p>	



SUMMARY OF IMPACTS	MITIGATION MEASURES (MM)	TYPE	MONITOR	SCHEDULE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>LEGEND: CM = DURING CONSTRUCTION OF THE PROJECT; OM = DURING OPERATION OF THE PROJECT; -- = NOT APPLICABLE.</p>					
<p>associated with construction noise are reduced to less than significant. Mitigation Measure MM 4.3-7 would ensure that the Project's landscaping excludes invasive exotic plant species. Implementation of Mitigation Measure MM 4.3-2 would reduce Project-related impacts due to loss of raptor habitat to less than significant. Additionally, Mitigation Measure MM 4.3-11 (refer also to the discussion of Threshold f) would ensure that temporary construction fencing is constructed at the limits of Project construction impacts to prevent habitat impacts and the spread of silt from the construction zone into the proposed Preserve. Collectively, these mitigation measures would reduce the Project's indirect impacts to sensitive habitats, plants, and animals in the on-site open space to below a level of significant.</p>	<p>b. If an active vireo and/or gnatcatcher nest is found within 500 feet of Project construction, the Biological Monitor shall postpone work within 500 feet of the nest(s) and contact the USFWS to discuss: 1) the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls, noise monitoring) and 2) a nest monitoring program acceptable to the USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization approach and nest monitoring program. Nest monitoring shall occur according to a schedule approved by the USFWS. The Biological Monitor shall determine whether bird activity is being disrupted. If the Biological Monitor determines that bird activity is being disrupted, the Project Applicant shall stop work and coordinate with the USFWS to review the avoidance/minimization approach. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring shall continue until fledglings have dispersed, as approved by the USFWS.</p> <p>c. For vegetation clearing/grubbing outside the gnatcatcher breeding season, the Biological Monitor shall perform a minimum of three, focused, pre-construction surveys, on separate days, to determine the presence or absence of gnatcatchers in the Project impact footprint. The surveys shall begin a maximum of 30 days prior to performing vegetation clearing/grubbing, and one survey shall be conducted the day immediately prior to the initiation of vegetation clearing. If any gnatcatchers are found in the Project impact footprint, the Biological Monitor shall direct construction personnel to begin vegetation clearing/grubbing in an area away from the gnatcatchers. It shall be the responsibility of the Biological Monitor to ensure that gnatcatchers will not be injured or killed by vegetation clearing/grubbing. The Biological Monitor shall also record the number and location of gnatcatchers disturbed by vegetation clearing/grubbing. The Project Applicant shall notify the USFWS at least seven days prior to vegetation clearing/grubbing to allow the USFWS to coordinate with the Biological Monitor on potential bird flushing activities.</p> <p>d. An employee education program shall be developed by the Biological Monitor. Each employee (including temporary contractors and subcontractors) shall be subject to a training/awareness program prior to working on the Project. They shall be advised of the potential impact to</p>				



SUMMARY OF IMPACTS	MITIGATION MEASURES (MM)	TYPE	MONITOR	SCHEDULE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>LEGEND: CM = DURING CONSTRUCTION OF THE PROJECT; OM = DURING OPERATION OF THE PROJECT; -- = NOT APPLICABLE.</p>					
	<p>the listed species and the potential penalties for taking such species. At a minimum, the program shall include the following topics: occurrence of the listed and sensitive species in the area (including photographs), their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of federal and State laws, reporting requirements, and Project features designed to reduce the impacts to these species and promote continued successful occupation of the Project area.</p> <p>e. The Biological Monitor shall submit weekly and bi-monthly e-mail reports (including photographs of impact areas) during the breeding and non-breeding seasons, respectively, to the USFWS during clearing of, and construction within, 500 feet of vireo and/or gnatcatcher habitats. The weekly reports shall document that authorized impacts were not exceeded and general compliance with all conditions. The reports shall also outline the location of construction activities, the type of construction that occurred, and equipment used. These reports shall specify numbers, locations, and sex of vireos and gnatcatchers (if observed), their observed behavior (especially in relation to construction activities), and remedial measures employed to avoid and minimize impacts to these species. Raw field notes shall be made available upon request by the USFWS.</p> <p>f. The Biological Monitor shall submit a final report to the USFWS within 120 days of Project completion including photographs of impact areas and adjacent habitat, documentation that authorized impacts were not exceeded, and documentation that general compliance with all mitigation measures was achieved. The report shall specify numbers, locations, and sex of gnatcatchers and/or vireos (if observed), observed gnatcatcher and/or vireo behavior (especially in relation to Project activities), and remedial measures employed to avoid and minimize impacts to gnatcatchers and vireos. Raw field notes shall be available upon request by the USFWS.</p> <p>MM 4.3-6 Prior to issuance of building permits, Project plans shall be reviewed by the City of Oceanside Building Division to ensure that all lighting elements are directed away from and/or shielded so as not to illuminate the proposed Preserve. The Project Applicant shall submit a lighting plan to the USFWS at least 60 days prior to initiating Project construction. Evidence of compliance with this Mitigation Measure shall</p>	CM	Building Division/ USFWS	Prior to issuance of building permits	



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	<p>be provided to the City of Oceanside prior to the issuance of any occupancy permits.</p> <p>MM 4.3-7 Prior to the issuance of building permits for each phase of development, the City of Oceanside Building Division shall ensure that all landscaping within 100 feet of the proposed Preserve consist of native species and do not include any of the common invasive exotic plant species listed in either Table 5-5 of the Oceanside Subarea Plan or the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" list.</p>	CM	Building Division	Prior to issuance of building permits for each phase of development	
<p><u>Threshold b.</u> Although the Project is designed to avoid impacts to almost all of the wetland/riparian habitat on-site, approximately 0.003-acre of southern willow scrub and 0.01-acre of mulefat scrub would be impacted by the Project. In addition, Project impacts to upland habitats include impacts to 1.2 acres of Diegan coastal sage scrub and 31.9 acres of non-native grassland which are sensitive habitat communities. Project impacts to wetland/riparian and sensitive plant communities represent significant impacts on both a direct and cumulatively considerable basis.</p> <p>Implementation of Mitigation Measure MM 4.3-8 would ensure that Project impacts to 0.03-acre of southern willow scrub and 0.01-acre of mulefat scrub are mitigated at a minimum 3:1 ratio (mitigation:impact) through on-site preservation. Additionally, MM 4.3-8 would ensure that impacts to non-wetland Water of the U.S./Waters of the State are mitigated at a 2:1 ratio through purchase of credits in an approved wetland habitat mitigation bank, subject to ACOE/CDFW approval. At these ratios, the Project would purchase 0.32-acre of wetland mitigation bank credits. Mitigation via an in-lieu fee payment to a mitigation bank is considered adequate mitigation pursuant to California Fish and Game Code Section 1797-1799.1, which establishes a system of conservation and mitigation banks in order to provide a means of mitigating impacts to wetlands, endangered/threatened species, and otherwise sensitive resources. The Project Applicant would contribute funds to such a bank that would in turn be used to create, restore, protect or enhance streambed habitats, either at the source of the impact or elsewhere at a larger, more functional and longer-lasting ecological system. The 8.04 acres of avoided jurisdictional</p>	<p>Mitigation Measure MM 4.3-2, would apply and would reduce the impact to sensitive habitats on the Project site. Additionally, the following Mitigation Measure has been identified to reduce the Project's impact to other sensitive vegetation communities to below a level of significance.</p> <p>MM 4.3-8 Prior to the issuance of any permits authorizing ground disturbing activities in the on-site CDFW and ACOE jurisdictional wetland/riparian habitat, the Project Applicant shall provide evidence to the City of Oceanside Planning Division that impacts to these areas (calculated as 0.1-acre of ACOE non-wetland Waters of the U.S., 0.04-acre of CDFW jurisdictional wetlands, and 0.1-acre of CDFW jurisdictional streambed) have been mitigated through one of the following methods:</p> <p>a) In Lieu Fee Option: Mitigation can be fully or partially satisfied via an in-lieu fee payment to a mitigation bank pursuant to California Fish and Game Code Section 1797-1799.1, which establishes a system of conservation and mitigation banks in order to provide a means of mitigating impacts to wetlands, endangered/threatened species, and otherwise sensitive resources. The Project proponent would contribute funds to such a bank that would in turn be used to create, restore, protect or enhance streambed habitats, either at the source of the impact or elsewhere at a larger, more functional and longer-lasting ecological system.</p> <p>b) Preservation Option, On-Site or Off-Site: On-site, permanent preservation of CDFW and ACOE jurisdictional areas within the on-site open space area, or off-site permanent preservation of CDFW and Corps jurisdictional areas at an off-site location in the</p>	<p>See Issue a</p> <p>CM</p>	<p>See Issue a</p> <p>Planning Division</p>	<p>See Issue a</p> <p>Prior to the issuance of any permits authorizing ground disturbing activities</p>	<p>Less-than-Significant Impact</p>



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<p>features in the proposed Preserve are not intended to serve as mitigation and are proposed to be available as mitigation for future projects. Details about the mitigation bank for jurisdictional impacts would be determined through the CDFW Section 1602 permit process.</p> <p>Mitigation Measure MM 4.3-2, requires mitigation of coastal sage scrub at a minimum 3:1 ratio through on-site preservation within the on-site open space areas, and requires on-site preservation of non-native grassland scrub at a 0.5:1 ratio. Implementation of the required mitigation would reduce the Project's impacts on riparian and other sensitive natural communities to below a level of significance.</p>	<p>San Luis Rey Watershed or Carlsbad Watershed, the exact location of which is to be determined in consultation with the CDFW and ACOE as part of the CDFW Section 1602 and ACOE Section 404 permit processes. The preserved areas on-site or off-site shall that have equal or greater habitat value to the wetland/riparian areas to be impacted by the Project, as determined by the CDFW and ACOE. Lands set aside as mitigation shall be protected with conservation easements and dedicated in fee to an appropriate agency or nonprofit organization, approved by the City which will take over management responsibilities and liability. The property owner shall be required to establish a funding mechanism such as a non-wasting endowment to fund the management of the project-related mitigation lands in perpetuity.</p> <p>Mitigation shall occur at the ratios specified in Table 4.3-5 and also in Oceanside Subarea Plan Table 5-2, which specifies a 3:1 mitigation ratio for impacts to wetland habitat and a 2:1 ratio for impacts non-wetland Waters of the U.S./Streambed habitat.</p>				
<p><b>Threshold c:</b> The Project would impact approximately 0.1-acre of ACOE jurisdictional areas (ephemeral drainage), as well as impact 0.14 -acre of CDFW jurisdictional areas, including 0.03-acre of southern willow scrub, 0.01-acre of mule fat scrub, and 0.10-acre of non-wetland Waters of the U.S./Streambed habitat. These impacts would be significant and require mitigation.</p>	<p>Mitigation Measure, MM 4.3-8, detailed under the discussion and analysis of Issue b, would apply and would reduce impacts to the federally protected wetlands on-site to below a level of significance. Additionally, the following Mitigation Measure has been identified to reduce the Project's impact to federally protected wetlands to below a level of significance.</p>	See Issue b	See Issue b	See Issue b	Less-than-Significant Impact
<p>Implementation of Mitigation Measure MM 4.3-8, would ensure that Project impacts to 0.04-acre of CDFW wetlands (including 0.03-acre of southern willow scrub and 0.01-acre of mule fat scrub) would be mitigated through preservation of similar habitat at a 3:1 ratio. Impacts to 0.1-acre of ACOE jurisdictional non-wetland Waters of the U.S. (ephemeral drainage) and 0.1-acre of CDFW jurisdictional streambed would be mitigated through payment of an in-lieu fee or habitat preservation at a 2:1 ratio. While not strictly meeting the no net loss standard for wetland acreage, the wetland impacts are very limited in area, and the preservation of wetlands at a ratio of 3:1 is expected to result in no net loss of wetland functions and values. Additionally, Mitigation Measure MM 4.3-9 would ensure that all applicable permits for impacts to jurisdictional wetlands are obtained prior to the impacts occurring. Therefore,</p>	<p>MM 4.3-9 Prior to the issuance of any permits authorizing ground disturbing activities in the on-site CDFW and ACOE jurisdictional (wetland/riparian) habitat on-site, the Project Applicant shall provide evidence to the City of Oceanside Planning Division demonstrating that all applicable permits have been obtained from regulatory agencies, including a ACOE Nationwide Permit (NWP), a Regional Water Quality Control Board (RWQCB) 401 Water Quality Certification, and a CDFW Section 1602 Streambed Alteration Agreement (SAA).</p>	CM	Planning Division	Prior to issuance of any permits authorizing ground disturbing activities	

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<p>implementation of the required mitigation would reduce Project impacts to federally- and state-protected wetlands and associated riparian habitats to below a level of significance.</p>					
<p><b>Threshold d:</b> Implementation of the proposed Project would not directly affect wildlife movement, migration, or nursery sites; however, the Project would remove vegetation from the site that has the potential to support coastal California gnatcatcher, least Bell's vireo, nesting raptors, and other MBTA-protected species that may be present in on-site open space areas during the breeding season (February 15 to August 31 for the gnatcatcher, March 15 through September 15 for the vireo, February through August for other MBTA-protected species, and January through August for raptors). The Project's impacts to protected migratory species and raptors represent a significant impact.</p> <p>Implementation of Mitigation Measures MM 4.3-3, MM 4.3-4, and MM 4.3-5 would ensure that the Project's indirect impacts to protected birds would be reduced to less-than-significant levels. Potentially impacted bird species include the coastal California gnatcatcher, the least Bell's vireo, nesting raptors, and other MBTA-protected species that may be present in on-site open space areas during the breeding season (February 15 to August 31 for the gnatcatcher, March 15 through September 15 for the vireo, February through August for other MBTA-protected species, and January through August for raptors). Impacts would be reduced to less-than-significant levels by requiring avoidance and/or surveys during the relevant breeding seasons. Additionally, implementation of Mitigation Measure MM 4.3-10 would ensure that impacts to nesting raptors are avoided during Project construction. With implementation of the required mitigation, Project impacts would be less than significant.</p>	<p>MM 4.3-10 As a condition of approval for all grading permits, the Project Applicant shall first determine if construction would take place during general avian breeding season (February through August, and for raptors January through August). If construction is scheduled to take place during this time, a qualified biologist shall conduct a pre-construction avian nesting survey within seven calendar days prior to construction. If nests are not observed, vegetation clearing may proceed. If any active nests are found, work may proceed provided that construction activity is: 1) located at least 500 feet from raptor nests; 2) located at least 500 feet from listed bird species' nests (see Mitigation Measures MM 4.3-3 through MM 4.3-5 for specific measures related to the listed least Bell's vireo and coastal California gnatcatcher); and 3) located at least 300 feet from non-listed bird species' nests. A qualified biologist shall conspicuously mark the buffer so that vegetation clearing does not encroach into the buffer until the nest is no longer active (i.e., the nestlings fledge, the nest fails, or the nest is abandoned, as determined by a qualified biologist). Evidence of compliance with this Mitigation Measure shall be provided to the City of Oceanside prior to the issuance of any grading permits. The Project Construction Contractor shall be responsible for monitoring for compliance with this requirement, and shall permit periodic inspection by the City of Oceanside at the City's discretion. If nests are not observed, vegetation clearing and construction may proceed.</p>	<p>CM</p>	<p>Planning Division</p>	<p>Prior to issuance of grading permits</p>	<p>Less-than-Significant Impact</p>
<p><b>Threshold e:</b> Implementation of the proposed Project would not directly affect wildlife movement, migration, or nursery sites; however, the Project would remove vegetation from the site that has the potential to support coastal California gnatcatcher, southwestern willow flycatcher, least Bell's vireo, nesting raptors, and other MBTA-protected species that may be present in on-site open space</p>	<p>No Mitigation Required.</p>	<p>--</p>	<p>--</p>	<p>--</p>	<p>No Impact</p>





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	<p>The biological monitor shall prepare periodic (minimum of bi-weekly) reports and a post-construction report to document compliance. Upon the conclusion of grading activities, or upon request of the City of Oceanside, these reports shall be submitted to the City of Oceanside Building Division. The construction monitoring reports and final post-construction report shall be provided prior to the issuance of building permits</p> <p>MM 4.3-14 Prior to the issuance of grading or building permits, the Oceanside Building Division and/or City Engineer shall review plans to ensure they include the following note:</p> <p><i>"If night work is necessary, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded, and directed away from natural habitats."</i></p> <p>MM 4.3-15 Prior to the issuance of grading permits, the City Engineer shall review plans to ensure they depict and include the following note. The Project Construction Contractor shall be responsible for monitoring for compliance with this requirement, and shall permit periodic inspection by the City of Oceanside at the City's discretion.</p> <p><i>"Prior to commencement of ground disturbing activities, the monitoring biologist shall flush birds out of habitat areas before they are cleared."</i></p> <p>MM 4.3-16 Prior to issuance of building permits, the City of Oceanside Building Division shall review plans to ensure they include the following note. The Project Construction Contractor shall be responsible for monitoring for compliance with this requirement, and shall permit periodic inspection by the City of Oceanside at the City's discretion:</p> <p><i>"Any planting stock to be brought onto the project site for landscape or habitat creation/restoration/enhancement shall be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (Iridomyrmex humil), fire ants (Solenopsis invicta), and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the Agencies that these pests already occur in natural areas around the project site. The stock shall</i></p>	<p>CM</p> <p>CM</p> <p>CM</p>	<p>Building Division/City Engineer</p> <p>City Engineer</p> <p>Building Division</p>	<p>Prior to the issuance of grading or building permits</p> <p>Prior to the issuance of grading permits</p> <p>Prior to the issuance of building permits</p>	



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	<p><i>be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The applicant shall ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation/restoration/ enhancement."</i></p> <p>MM 4.3-17 Prior to issuance of grading or building permit issuance, the City of Oceanside Building Division and/or City Engineer shall ensure that the following notes are included on Project plans. The Project Construction Contractor shall be responsible for monitoring for compliance with this requirement, and shall permit periodic inspection by the City of Oceanside at the City's discretion:</p> <ul style="list-style-type: none"> <li>• <i>Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;</i></li> <li>• <i>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;</i></li> <li>• <i>Pets of project personnel shall not be allowed on the project site;</i></li> <li>• <i>Disposal or temporary placement of excess fill, brush or other debris shall not be allowed in waters of the United States or their banks;</i></li> <li>• <i>All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States, and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" shall be designated on construction plans.</i></li> </ul> <p>MM 4.3-18 The Project Applicant shall develop an educational pamphlet (in English and Spanish) for the identification of raptor nests and to guide</p>	<p>CM</p>	<p>Building Division/City Engineer</p>	<p>Prior to the issuance of grading or building permits</p>	
		<p>OM</p>	<p>City of Oceanside</p>	<p>Prior to the issuance of</p>	



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	<p>tree pruning activities during the breeding season. The pamphlet shall be provided to all future homebuyers within the Project. The notice shall include the following language:</p> <p><i>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 would occur outside of the breeding season (January through August). 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 must be conducted within four (4) 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 will contact the City and Wildlife Agencies to determine the appropriate buffer.</i></p> <p>Evidence of compliance with this Mitigation Measure shall be provided to the City of Oceanside prior to the issuance of any grading and/or building permits.</p> <p>MM 4.3-19 Prior to the issuance of grading permits or commencement of ground disturbing activities, the Project Applicant shall provide evidence to the City of Oceanside Planning Division that historic impacts to 1.64 acres of coastal sage scrub habitat on-site are mitigated through compensatory preservation at a (mitigation: impact) 5:1 ratio (approximately 8.20 acres). Mitigation shall occur in accordance with the</p>	CM	Planning Division	<p>grading and building permits</p> <p>Prior to the issuance of grading permits or commencement of ground</p>	







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<p>death, involving seismic ground shaking, and impacts would be reduced to below a level of significance.</p> <p>An ancient landslide is located on-site. With implementation of MM 4.5-1 and MM 4.5-2, the Project would have a less than significant impact regarding landslides. Implementation of these Mitigation Measures would result in an acceptable level of safety by requiring remedial grading or other soil stability methods to address hazards associated with the on-site ancient landslide. Implementation of the required mitigation would reduce impacts associated with the on-site ancient landslide to below a level of significant.</p>	<p>the then-current edition of the California Building Code, and submitted by the Project Applicant. The geotechnical Study shall evaluate slope stability on-site and provides specific geotechnical recommendations for the Project. The Project shall incorporate the recommendations of the geotechnical study into the design of the Project and construction activities.</p>				
<p><b>Threshold b:</b> The Project would not result in substantial soil erosion or the loss of topsoil. The Project Applicant is required to obtain a NPDES permit for construction activities and adhere to a SWPPP during Project construction. With mandatory compliance to these regulatory requirements, the potential for water and wind erosion impacts during construction would be less than significant. Following construction, wind and water erosion on the Project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces and drainage would be controlled through a storm drain system. Furthermore, the Project is required by the City to comply with the Stormwater Mitigation Plan for the Project, which would preclude substantial erosion impacts in the long-term, due to the implementation of BMPs and LID techniques. Thus, a less than significant impact would occur.</p>	<p>No Mitigation Required.</p>	<p>--</p>	<p>--</p>	<p>--</p>	<p>Less-than-Significant Impact</p>
<p><b>Threshold c:</b> Due to the relatively high density and grain-size distribution characteristics of the fill and formation materials on the Project site, and due to the absence of a permanent water table, the risk of seismically induced settlement and seismically induced soil liquefaction is considered very low (Geocon, 2012, p. 8). Since the risk of soil liquefaction is very low, the risk for lateral spreading is also very low. However, due to the presence of an ancient landslide on the Project site, the Project could have a potentially significant impact regarding the Project's location on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project.</p> <p>However, due to the presence of an ancient landslide on the Project site, the Project could have a potentially significant impact</p>	<p>Mitigation Measures MM 4.5-1 and MM 4.5-2, provided under the discussion and analysis in Threshold a, would apply and would reduce the Project's potential to result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse to a level below significance. No additional mitigation is required.</p>	<p>See Issue a</p>	<p>See Issue a</p>	<p>See Issue a</p>	<p>Less-than-Significant Impact</p>



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<p>regarding the Project's location on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project. With implementation of MM 4.5-1 and MM 4.5-2, the Project would have a less than significant impact regarding landslides. Implementation of these Mitigation Measures would result in an acceptable level of safety for the Project regarding the presence of an ancient landslide on the Project site.</p>					
<p><b>Threshold d:</b> Soils on the Project site have a high expansion potential. Accordingly, soil expansion impacts are potentially significant. With implementation of MM 4.5-1, the Project would have a less than significant impact regarding expansive soils because the mitigation set forth in the June 5, 2012, Geologic Reconnaissance Report addresses expansive soils on-site.</p>	<p>Mitigation Measure MM 4.5-1, provided under the discussion and analysis in Threshold a, would apply and would reduce the impacts due to expansive soils to below a level of significance. No additional mitigation is required.</p>	<p>See Issue a</p>	<p>See Issue a</p>	<p>See Issue a</p>	<p>Less-than-Significant Impact</p>
<p><b>Threshold e:</b> The Project would not install septic tanks or alternative wastewater disposal systems. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.</p>	<p>No Mitigation Required.</p>	<p>--</p>	<p>--</p>	<p>--</p>	<p>No Impact</p>
<p><b>4.6 Greenhouse Gas Emissions</b></p>					
<p><b>Threshold a:</b> The Project's annual GHG emissions are calculated to be approximately 2,975 MT CO<sub>2</sub>e, or 34.04% less than BAU (2020) conditions, which meets the AB 32 and City of Oceanside GHG reduction target of 16% below 2020 BAU conditions. Furthermore, the Project's service population efficiency would be 3.02 MT CO<sub>2</sub>e/year/SP in 2020, which is below the City of Oceanside's required efficiency target of 3.34 MT CO<sub>2</sub>e/year/SP for the year 2020. As such, the Project would not generate substantial GHG emissions – either directly or indirectly – that would have a significant impact on the environment. Therefore, impacts would be less-than-cumulatively considerable.</p>	<p>No Mitigation Required.</p>	<p>--</p>	<p>--</p>	<p>--</p>	<p>Less-than-Significant Impact</p>
<p><b>Threshold b:</b> The Project would achieve the GHG reduction target specified in EO S-3-05, (i.e., a 16% reduction as compared to 2020 BAU conditions and a 2020 GHG efficiency of less than 3.34 MT CO<sub>2</sub>e), thereby demonstrating Project consistency with AB 32. AB 32 is the primary plan for reducing GHG emissions in the State of California. In addition, the Project would be consistent with or otherwise would not conflict with all of the CARB Scoping Plan measures for reducing GHGs. There are no other applicable plans, policies, or regulations addressing GHGs that apply to the proposed</p>	<p>No Mitigation Required.</p>	<p>--</p>	<p>--</p>	<p>--</p>	<p>Less-than-Significant Impact</p>



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<p>Project. Accordingly, the Project's impacts due to a conflict with plans, policies, and regulations would be less than significant.</p>					
<p><b>4.7 Hazards and Hazardous Materials</b></p>					
<p><b>Threshold a:</b> Under existing conditions, the only potential REC on the Project site or in the Project's vicinity is a SDG&amp;E 30-inch diameter high pressure gas line. The high pressure gas line is located on the western boundary of the Project site. There is a remote potential for a significant hazard impact if Project-related construction activities were to disrupt the existing gas line. There are no other conditions associated with the Project's construction or operation that would result in significant impacts due to the routine transport, use, or disposal of hazardous material.</p> <p>Compliance with Mitigation Measure MM 4.7-1 would preclude significant impacts to the existing high pressure gas line. With implementation of the required mitigation, impacts would be less than significant.</p>	<p>MM 4.7-1 Prior to issuance of a grading permit, the City of Oceanside Engineer or his/her designee shall verify that the Project has been conditioned to conduct a DigAlert Underground Service Alert at least two days prior to the commencement of grading activities in order to give notification of planned grading activities on the Project site to SDG&amp;E, the owner of a gas pipeline that is located along the western Project site boundary. The grading plan shall depict the precise alignment of an existing pipeline in plan and profile (based on the survey data). Additionally, the Construction Contractor shall work with SDG&amp;E to identify and flag the precise alignment of the existing gas line. A note also shall be included on the grading plan identifying the gas line, and requiring the Construction Contractor to ensure that no grading or disturbance occurs within the areas that have been flagged in consultation with SDG&amp;E. The grading plan also shall be designed to avoid disturbance to this facility. No grading permit shall be issued until a letter of verification is received from SDG&amp;E verifying the implementation of avoidance measures requested by SDG&amp;E, and upon verification by the City that the grading plan has been designed to fully avoid impacts to this existing gas line.</p>	<p>CM</p>	<p>Engineering Division</p>	<p>Prior to the issuance of grading permits</p>	<p>Less-than-Significant Impact</p>
<p><b>Threshold b:</b> Under existing conditions, the only potential REC on the Project site or in the Project's vicinity is a SDG&amp;E 30-inch diameter high pressure gas line located on the western boundary of the Project site. There is a remote potential for a significant hazard impact if Project-related construction activities were to disrupt the existing gas line. There are no other conditions associated with the Project's construction or operation with the potential to result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p> <p>Compliance with Mitigation Measure MM 4.7-1 would preclude significant impacts to the existing high pressure gas line. With implementation of the required mitigation, impacts would be less than significant.</p>	<p>Mitigation Measure MM 4.7-1, would apply and would reduce the potential to release hazardous materials into the environment to below a level of significance. No additional mitigation is required.</p>	<p>See Issue a</p>	<p>See Issue a</p>	<p>See Issue a</p>	<p>Less-than-Significant Impact</p>
<p><b>Threshold c:</b> The Project site is not located within one-quarter mile of any existing or planned school. Accordingly, the Project would</p>	<p>No Mitigation Required.</p>	<p>--</p>	<p>--</p>	<p>--</p>	<p>No Impact</p>



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<b>LEGEND:</b> CM = DURING CONSTRUCTION OF THE PROJECT; OM = DURING OPERATION OF THE PROJECT; -- = NOT APPLICABLE.					
not expose any nearby school to potential impacts related to hazardous materials, and no impact would occur.					
<u>Threshold d:</u> The Project site is not listed on any list of hazardous materials compiled pursuant to Government Code § 65962.5. Thus, no impact would occur.	No Mitigation Required.	--	--	--	No Impact.
<u>Threshold e:</u> The Project site is located in the AIA for the Oceanside Municipal Airport, and the Project was reviewed by the ALUC on February 24, 2016, which found that the Project would not conflict with the Oceanside Municipal Airport ALUCP. Because the ALUCP is intended to preclude safety hazards with airport operations, and because the Project is fully consistent with the ALUCP, the Project would not result in a safety hazard for people residing or working in the Project area associated with the Oceanside Municipal Airport, and impacts would be less than significant.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold f:</u> The Project site is not located in the vicinity of a private airstrip. No impact associated with private airstrips would occur.	No Mitigation Required.	--	--	--	No Impact
<u>Threshold g:</u> The Project would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. No emergency facilities exist on the Project site, and the site does not serve as an emergency evacuation route. Thus, a less than significant impact would occur.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold h:</u> The Project would not expose people or structures to a significant wildfire risk. The Project site is not located in close proximity to wildlands or areas with high fire hazards. Thus, a less than significant impact would occur.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<b>4.8 Hydrology and Water Quality</b>					
<u>Threshold a:</u> The proposed Project would not violate any water quality standards or waste discharge requirements on a direct or cumulative basis. The Project is required to prepare a SWMP to address construction-related water quality issues and comply with the BMPs listed in the SWMP. Thus, a less-than-significant impact would occur during construction.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold b:</u> The Project would not substantially deplete groundwater supplies nor interfere substantially with groundwater recharge such that there would be a new deficit in aquifer volumes or a lowering of the local groundwater table level. Therefore, a less-than-significant impact would occur.	No Mitigation Required.	--	--	--	Less-than-Significant Impact



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<b>LEGEND:</b> CM = DURING CONSTRUCTION OF THE PROJECT; OM = DURING OPERATION OF THE PROJECT; -- = NOT APPLICABLE.					
<u>Threshold c:</u> The proposed Project would maintain the existing drainage pattern, and would not result in substantial erosion or siltation on- or off-site. Thus, a less-than-significant impact would occur.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold d:</u> There are no substantial changes proposed as part of the Project that would create a significant adverse environmental impact due to changed drainage patterns. The Project would not alter the existing drainage pattern or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off- site; therefore impacts would be less than significant.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold e:</u> The Project would create runoff water, but the runoff water produced by the Project would not exceed the capacity of existing or planned storm drainage systems and would not provide substantial additional sources of polluted runoff. Mandatory compliance with the required SWMPs for the Project would reduce the amount of runoff and ensure that water discharged from the site is treated to reduce pollutants to below significant levels. Accordingly, impacts would be less than significant.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold f:</u> The proposed Project would not violate any water quality standards or waste discharge requirements on a direct or cumulative basis. The Project is required to prepare a SWMP to address construction-related water quality issues and comply with the BMPs listed in the SWMP. Thus, a less-than-significant impact would occur during construction.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold g:</u> The Project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Insurance Rate Map. No impact would occur.	No Mitigation Required.	--	--	--	No Impact
<u>Threshold h:</u> The Project site is not located within a 100-year flood hazard area and the Project would not place structures that would impede or redirect flood flows within a 100-year flood hazard area. No impact would occur.	No Mitigation Required.	--	--	--	No Impact
<u>Threshold i:</u> The Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a failure of a levee or dam. No impact would occur.	No Mitigation Required.	--	--	--	No Impact
<u>Threshold j:</u> The Project site is not subject to hazards associated with seiches, tsunamis, or mudflow. No impact would occur.	No Mitigation Required.	--	--	--	No Impact
<u>Threshold k:</u> Implementation of the proposed Project would not cause a significant increase in pollutant discharges to receiving	No Mitigation Required.	--	--	--	Less-than-Significant Impact



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<p>waters. The Project is required to prepare a SWMP to address construction-related water quality and comply with the long-term operational BMPs listed in the Project's Preliminary SWMP, both of which address pollutants of concern. Thus, a less-than-significant impact would occur.</p>					
<p><b>Threshold l:</b> Due to mandatory compliance with the construction and post-construction SWMPs, the proposed Project would not significantly impact stormwater runoff during construction or post construction.</p>	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<p><b>Threshold m:</b> The proposed Project would not result in a significant increase in erosion on- or off-site. Implementation of SWMP during both construction and long-term operation, and construction of the Project's proposed detention/water quality basins, would reduce erosion hazards to below a level of significance.</p>	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<p><b>Threshold n:</b> There are no substantial changes proposed as part of the Project that would create a significant adverse environmental impact due to changed drainage patterns. The Project would not alter the existing drainage pattern or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off- site; therefore impacts would be less than significant.</p>	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<p><b>Threshold o:</b> Because the rate of runoff under the proposed Project would be reduced as compared to existing conditions, Project-related runoff would not alter the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; therefore, impacts would be less than significant.</p>	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<p><b>Threshold p:</b> The Project would be tributary to water bodies listed on the Clean Water Act Section 303 (d) list. However, implementation of the construction and long-term operational SWMPs would ensure the all pollutants of concern are treated from site runoff prior to discharging into the on-site unnamed stream. Thus, a less-than-significant impact would occur.</p>	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<p><b>Threshold q:</b> The Project is tributary to environmentally sensitive areas located on-site, including wetlands and riparian habitat. However, and assuming compliance with the mitigation presented in EIR Section 4.3 and the construction and post-construction SWMPs, Project-related runoff would not substantially affect the on-site wetland habitats. Thus, impacts would be less than significant.</p>	No Mitigation Required.	--	--	--	Less-than-Significant Impact



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<u>Threshold r:</u> The Project is tributary to environmentally sensitive areas located on-site, including wetlands and riparian habitat. However, and assuming compliance with the mitigation presented in EIR Section 4.3, and assuming compliance with the construction and post-construction SWMPs, Project-related runoff would not substantially affect marine, fresh, or wetland waters. A less-than-significant impact would occur.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold s:</u> Mandatory compliance with the construction and post-construction SWMPs would address groundwater quality and ensure that impacts to groundwater would be less than significant.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold t:</u> Assuming mandatory compliance with the construction and post-construction SWMPs, the proposed Project would not substantially contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Thus, a less-than-significant impact would occur.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold u:</u> The Project is tributary to wetland and riparian located on-site and downstream from the Project site. However, and assuming compliance with the mitigation presented in EIR Section 4.3 and the construction and post-construction SWMPs, Project-related runoff would not substantially affect aquatic, wetland, and/or riparian habitat. A less-than-significant impact would occur.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold v:</u> Due to mandatory compliance with the construction and post-construction SWMPs, the proposed Project would not significantly impact stormwater runoff during construction or post construction.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold w:</u> As a proposed mixed use (residential and office/commercial) community, the Project has no potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas. Thus, a less-than-significant impact would occur.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold x:</u> The result of the required construction and post-construction SWMPs for the proposed Project would not substantially contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Thus, a less-than-significant impact would occur.	No Mitigation Required.	--	--	--	Less-than-Significant Impact



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<u>Threshold y:</u> There are no conditions associated with the proposed Project's runoff that would result in changes in the flow velocity or volume of stormwater runoff such that environmental harm would be caused. Accordingly, impacts would be less than significant.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<u>Threshold z:</u> The result of the required construction and post-construction SWMPs for the proposed Project would ensure that the Project does not result in significant increases in erosion of the Project site or surrounding areas. Therefore, a less-than-significant impact would occur.	No Mitigation Required.	--	--	--	Less-than-Significant Impact
<b>4.9 Land Use and Planning</b>					
<u>Threshold a:</u> The proposed Project would not physically divide an established community and therefore would not exceed Issue a.	No Mitigation Required.	--	--	--	No Impact
<u>Threshold b:</u> The Project proposes to change the zoning designation for the portion of the site located west of Melrose Drive, and to change the General Plan and zoning designations on the portion of the site located east of Melrose Drive. However, the preceding analysis demonstrates that, with the incorporation of Mitigation Measures as set forth throughout this DEIR would ensure the Project is consistent with the discussed policy documents. Thus, the Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project, and impacts would be less than significant.	Refer to the Mitigation Measures presented in the various Subsections of this DEIR, particularly Mitigation Measures identified for Biological Resources (DEIR Subsection 4.3), Greenhouse Gas Emissions (DEIR Subsection 4.6), and Transportation/Traffic (DEIR Subsection 4.14). In instances where significant impacts are identified in this DEIR for the Project's construction and/or operational phases, Mitigation Measures are imposed on the Project in each applicable Subsection of this DEIR, and implementation of the required mitigation would reduce all Project-related impacts to less-than-significant levels. No additional mitigation is required.	See Sections 4.3, 4.6, and 4.14	See Sections 4.3, 4.6, and 4.14	See Sections 4.3, 4.6, and 4.14	Less-than-Significant Impact
<u>Threshold c:</u> The Project proposes development within the Subarea Plan which is the applicable habitat conservation plan for the Project site. The Project's consistency with the Subarea Plan has been evaluated in Subsection 4.3, Biological Resources, within this DEIR. Subsection 4.3 found the Project to be consistent with the Oceanside Subarea Plan by including Mitigation Measures that effectively minimize impacts to sensitive communities, sensitive plant and animals, jurisdictional wetlands, and ensure compliance with the Subarea Plan to a level below significance (See MM 4.3-1 through MM 4.3-19). With implementation of the mitigation specified in DEIR Subsection 4.3, the Project would be fully consistent with the Subarea Plan. Thus, the Project would not conflict with any applicable habitat conservation plan or natural community conservation plan and impacts would be less than significant.	Refer to the Mitigation Measures presented in DEIR Subsection 4.3. Implementation of the Mitigation Measures specified in DEIR Subsection 4.3 would ensure Project consistency with the Subarea Plan, and impacts would be less than significant. No additional mitigation is required.	See Section 4.3	See Section 4.3	See Section 4.3	Less-than-Significant Impact
<b>4.10 Noise</b>					