CHAPTER 4
ENVIRONMENTAL ANALYSIS

4.1 BIOLOGICAL RESOURCES

This section describes the existing biological resources of the project site and off-site improvement areas, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed Alta Oceanside Project (proposed project). The following analysis is based on the Alta Oceanside Biological Resources Technical Report (BTR), which was prepared for the proposed project by Dudek in 2019 and is incorporated by reference herein. The BTR is included in Appendix B of this Environmental Impact Report (EIR).

4.1.1 Existing Conditions

4.1.1.1 Methodology

The biological report was based on a review of pertinent literature and through field reconnaissance. Literature review included the draft Oceanside Subarea Habitat Conservation Plan/ Natural Community Conservation Plan (Oceanside Subarea Plan) (City of Oceanside 2010), CDFW California Natural Diversity Database, USFWS Critical Habitat Data (USFWS 2019) and Species Occurrence Data within 5 miles of the project site, California Native Plant Society's (CNPS) Online Inventory of Rare and Endangered Vascular Plants, and U.S. Department of Agriculture, Natural Resources Conservation Service Web Soil Survey (Appendix B). Dudek biologist Kathleen Dayton conducted general biological surveys of the property on January 24, 2019, including, habitat assessment for special-status plant and wildlife species, vegetation mapping, and a wildlife and plant inventory. If a specie was determined to have a low potential to occur via the habitat assessment, it is the expert opinion of Dudek biologist that such species should not be assumed to be present. Refer to Appendix B for detailed methodology information.

Endangered, rare, or threatened species, as defined in California Environmental Quality Act (CEQA) Guideline 15380(b) (14 CCR 15000 et seq.), are referred to as "special-status species" or "sensitive species" in this section and include (1) endangered, threatened, or candidate species recognized in the context of the California Endangered Species Act (CESA) and the federal Endangered Species Act (ESA); (2) plant species with a California Rare Plant Rank (CRPR) 1 through 3; see the CDFW special vascular plants list, which states, "Note that all California Rare Plant Rank 1 and 2 and some Rank 3 and 4 plants may fall under Section 15380 of CEQA" (CDFW 2019; CNPS 2019); (3) California Species of Special Concern (SSC), as designated by the CDFW; (4) mammals and birds that are fully protected (FP) species, as described in the California Fish and Game Code, Sections 4700 and 3511; (5) Birds of Conservation Concern (BCC), as designated by the U.S. Fish and Wildlife Service; and species proposed for coverage under the draft Oceanside Subarea Plan (City of Oceanside 2010).

4.1.1.2 Regional Planning Context

The 5.3-acre project site is located along the west side of North Coast Highway within the City of Oceanside (City). Due to the project's location along the coast and within the City, the project is subject to the North County Multiple Habitat Conservation Program (MHCP), Oceanside Subarea Plan, and California Coastal Commission (CCC) regional planning documents and regulations. These regulations guide the assessment of biological resources, and therefore are discussed further below to provide regional planning context.

The MHCP is a long-term regional conservation plan established to protect sensitive species and habitats in northern San Diego County. The MHCP is divided into seven subarea plans—one for each jurisdiction within the MHCP—that are permitted and implemented separately from one another. The draft Oceanside Subarea Plan is a comprehensive, citywide conservation program whose purpose is to identify and preserve sensitive biological resources within the City while allowing for additional development consistent with the City's General Plan and Growth Management Plan. While not yet formally adopted/approved, this plan is used to provide guidance and policy direction regarding biological resources. Specific biological objectives of the Oceanside Subarea Plan are to conserve the full range of vegetation types remaining in the City, with a focus on protecting rare and sensitive habitats and species pursuant to the California Natural Community Conservation Planning (NCCP) Act of 1991. Other local ordinances, codes, and documents incorporating biological conservation programs and preservation of open spaces include the City General Plan, Zoning Ordinances, Local Coastal Program, and the Specific Plan for the San Luis Rey River. The Oceanside Subarea Plan is the overarching conservation document used by the City to incorporate all aspects of these documents. Within the Oceanside Subarea Plan, the project site is classified as urban developed land and is not located within a designated preserve area.

The proposed project is located within Coastal Zone, and is subject to the City of Oceanside Local Coastal Program. The site is not located within areas designated for preservation or designated as PAMA, Agriculture Exclusion Zone, Wildlife Corridor Planning Zone, or Off-site Mitigation Zone. Refer to Figure 4.1-1, Biological Resources, for additional information. There are no existing narrow endemic species locations or threatened or endangered species locations on the property.

4.1.1.3 Existing Biological Resources

Vegetation Communities and Land Cover Types

The draft Oceanside Subarea Plan defines sensitive biological resources as lands that contain natural vegetation and/or wetlands; and/or habitat occupied by Covered Species, other Listed Non-Covered Species, and/or Narrow Endemic Species. Furthermore, natural vegetation is defined as vegetation communities identified as Habitat Groups A to E (City of Oceanside 2010). The Oceanside Subarea Plan dictates that mitigation standards are required for impacts to all natural

vegetation communities, and the level of mitigation is dependent on the Habitat Group classification. Based on the field visit conducted, the site contains disturbed land, urban/developed land, and non-native grassland (Table 4.1-1 and Figure 4.1-1).

Table 4.1-1
Plant Community and Land Cover within the Project Site

Plant Community/ Land Cover	Habitat Group[1]	Project Site (Acres)
Disturbed land	F	0.11
Urban/developed	F	2.76
Non-Native Grassland: Broadleaf-Dominated	E	2.45
Total	**—**	**5.31**

Source: Appendix B

[1] The Oceanside Subarea Plan defines natural vegetation as vegetation communities identified as Habitat Group A, B, C, D, or E.

Disturbed Land

Disturbed lands are areas that have been physically disturbed and are no longer recognizable as native or naturalized vegetation associations. These areas may continue to retain soil substrate. The disturbed land on site is composed of an old driveway (i.e., pavement debris). Vegetation is sparse (i.e., less than 10% cover) and composed entirely of non-native species, primarily bromes (*Bromus* spp.). Soils are heavily compacted. Disturbed land is classified under Habitat Group F – Disturbed Land, agricultural land, eucalyptus (City of Oceanside 2010). Disturbed land cover is not considered a sensitive biological resource.

Urban/Developed

Urban/developed land is a land cover type which includes areas where vegetation growth is prevented by an existing structure or material, such as a building or road, and includes ornamental vegetation associated with structures. A majority of the project site is mapped as developed and includes existing buildings, parking lots, Costa Pacifica Way, and associated ornamental plantings. Urban/developed land is classified under Habitat Group F – Disturbed land, agricultural land, eucalyptus (City of Oceanside 2010). Urban/developed land cover is not considered a sensitive biological resource.

Non-Native Grassland: Broadleaf-Dominated

Non-native grassland: broadleaf-dominated is a subset of non-native grassland that includes more than 50% of non-native broadleaf species. This community often develops as a result of disturbance, which is the case for the Project site. On site, the non-native grassland: broadleaf-dominated community is dominated by Bermuda-buttercup (*Oxalis pes-caprae*) and long-beak filaree/storksbill (*Erodium botrys*), combining to form 50% to 75% cover overall. This community also includes approximately 25% to 50%

cover of non-native grasses, predominantly wild oat (*Avena barbata, A. fatua*) and bromes (*Bromus diandrus, B. madritensis*). Non-native grassland: broadleaf-dominated is classified under Habitat Group E – Annual (non-native) grassland and is considered a sensitive biological resource per the City's Oceanside Subarea Plan (City of Oceanside 2010).

Plants

A total of 42 plant species were observed on the site, which are listed in Appendix B. The most prevalent species are discussed in the Vegetation Communities and Land Cover Types section above. No plant species listed as rare, threatened, or endangered, by USFWS, CDFW or CNPS, or proposed for coverage under the Oceanside Subarea Plan were observed.

As detailed in Appendix B, the following special-status plant species were evaluated for potential to occur on the site due to documented presence within 1 mile of the site: Cliff spurge (*Euphorbia misera*), coast woolly-heads (*Nemacaulis denudata* var. *denudata*), Coulter's saltbush (*Atriplex coulteri*), decumbent goldenbush (*Isocoma menziesii* var. *decumbens*), Nuttall's acmispon (*Acmispon prostratus*), Orcutt's pincushion (*Chaenactis glabriuscula* var. *orcuttiana*), salt spring checkerbloom (*Sidalcea neomexicana*), San Diego ambrosia (*Ambrosia pumila*), San Diego barrel cactus (*Ferocactus viridescens*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), San Diego marsh-elder (*Iva hayesiana*), sea dahlia (*Leptosyne maritima*), slender cottonheads (*Nemacaulis denudata* var. *gracilis*), smooth tarplant (*Centromadia pungens* ssp. *laevis*), and sticky dudleya (*Dudleya viscida*). None of these species were observed or are expected to occur on the site, as there is either no suitable habitat present or the species would have been observed during visits. Refer to Appendix B for additional details.

Although a number of plant species with a facultative (FAC) or facultative wetland (FACW) indicator status are present on site (e.g., mulefat and curly dock), no wetlands are present because these species occur more scattered throughout the site rather than being clustered in an area that may indicate the presence of wetlands. No obligate (OBL) wetland species were identified (Appendix B).

Animals

A total of eight animal species were observed during field surveys, as detailed in Appendix B. Species observed or likely to occur are discussed below. Given the lack of suitable habitat and disturbance of the non-native grassland on site and surrounding development, no special-status wildlife species were observed or have a moderate or high potential to occur on site.

Reptiles and Amphibians

No amphibian or reptile species were observed on site. Limited suitable habitat exists on the project site for reptiles and amphibians. Common reptiles such as side-blotched lizard (*Uta stansburiana*)

and gopher snake (*Pituophis melanoleucus*) and common amphibians such as Pacific tree frog (*Hyla regilla*) might be expected to occur in the project site. No sensitive or special-status reptiles or amphibians were observed or are expected to occur on site.

Birds

Eight bird species were recorded during the general field survey of the site. The species observed or detected are common, urban-adapted, or resident bird species that use a wide variety of native and disturbed habitats. No raptor species were observed during the surveys. However, raptors could occur on site, especially in the ornamental trees that occur along the northern boundary of the property.

The federally- and state-listed endangered least Bell's vireo (*Vireo bellii pusillus*) is known to occur within the San Luis Rey River and its associated riparian habitats in the general vicinity of the project area (within approximately 0.15 mile). There is no suitable riparian habitat on site and none were observed during the field survey.

The federally- threatened coastal California gnatcatcher has been recorded in the vicinity of Lawrence Canyon (approximately 2,000 feet east of the site). However, there is no suitable coastal sage scrub habitat on site and no California gnatcatchers were observed during the field survey. An imprecise historical record for state-threatened bank swallow (*Riparia riparia*) overlaps the project site, but there is no suitable riparian or cliff/bluff habitat for this species on site. There is a CNDDB record for the federally-listed and state-listed endangered Ridgway's rail (*Rallus obsoletus levipes*) that overlaps the project site, but the record is associated with the mouth of the San Luis Rey River and no suitable wetland habitat occurs on site and no Ridgway's Rails were observed during the field survey.

Mammals

No mammal species were observed on site. Widespread, urban adapted species such as brush rabbit (*Sylvilagus bachmani*), Audubon's cottontail (*Sylivilagus beecheyi*), raccoon (*Procyon lotor*), Botta's pocket gopher (*Thomomys bottae*), coyote (*Canis latrans*), Virginia opossum (*Didelphis virginiana*), and North American deer mouse (*Peromyscus maniculatus*) might also be expected to occasionally occur on or adjacent to the site. No sensitive mammals are expected to occur on site.

Sensitive Plant and Animal Species

No sensitive, threatened, endangered, or special-status wildlife species were observed within the project site. The urbanized nature of the site and the limited amount and quality of potential wildlife habitat on site limits the potential for most special-status species to occur. Appendix B lists sensitive wildlife species reported in the CNDDB, USFWS occurrence data and Oceanside Subarea Plan covered wildlife species and includes an analysis of their potential to occur in the project site.

Jurisdictional Resources

There are no jurisdictional features located in the project site. There are wetland plant species present; however these species are scattered and no wetland habitat exists. The nearest known jurisdictional water is the San Luis Rey River located approximately 600 feet to the northwest of the project site.

Wildlife Corridors and Habitat Linkages

The San Luis Rey River Valley is identified as a hardline preserve in the Oceanside Subarea Plan and the MHCP to allow for east–west wildlife movement. However, wildlife movement is constrained by existing residential housing and commercial development in the area. Large mammals, such as mule deer (*Odocoileus hemionus*) and mountain lion (*Puma concolor*), would not be expected to move through this area due to the limited native habitat present and urban surroundings. General wildlife movement could occur in the riparian corridor associated with the San Luis Rey River, which is present off site to the north of the project development boundary. The area has the potential to provide open space for raptors to forage and potentially nest, but due to the lack of habitat diversity, the project site does not provide for wildlife movement between areas or serve as an important habitat linkage.

The Oceanside Subarea Plan evaluated corridors within the Oceanside subarea, which were used to supplement the MHCP's biological core and linkage area analysis (SANDAG 2003). The project site is not located within the Wildlife Corridor Planning Zone identified by the Oceanside Subarea Plan (City of Oceanside 2010).

4.1.2 Regulatory Setting

Federal

Endangered Species Act

The federal Endangered Species Act (ESA) of 1973 designates threatened and endangered animals and plant species and provides measures for their protection and recovery. Under the ESA, "take" of listed animal and plant species in areas under federal jurisdiction is prohibited without obtaining a federal permit. The ESA defines "take" as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct" (16 USC 1531). Harm includes any act that actually kills or injures fish or wildlife, including significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife. Activities that damage (i.e., harm) the habitat of listed wildlife species require approval from USFWS for terrestrial species. If critical habitat has been designated under the ESA for listed species, impacts to areas that contain the primary constituent elements identified for the species, whether or not it is currently present, is also prohibited without obtaining a federal permit. ESA, Sections 7 and 10, provide two pathways for obtaining permission to take listed species.

Clean Water Act

The CWA is intended to restore and maintain the quality and biological integrity of the nation's waters. Section 402 of the CWA prohibits the discharge of pollutants to "waters of the United States" from any point source unless the discharge is in compliance with a National Pollutant Discharge Elimination System Permit. The CWA, Section 402, requires a National Pollutant Discharge Elimination System Permit for the discharge of stormwater from municipal separate storm sewer systems serving urban areas with a population greater than 100,000, construction sites that disturb one acre or more, and industrial facilities. The RWQCB administers these permits with oversight provided by the State Water Resources Control Board and U.S. Environmental Protection Agency Region IX.

Section 404 of the CWA authorizes the Secretary of the Army, acting through ACOE, to issue permits regulating the discharge of dredged or fill materials into the "navigable waters at specified disposal sites." CWA Section 502 further defines "navigable waters" as "waters of the United States, including territorial seas." Waters of the United States are broadly defined in the Code of Federal Regulations (CFR), Title 33, Section 328.3, Subdivision (a), to include navigable waters; perennial and intermittent streams, lakes, rivers, and ponds; and wetlands, marshes, and wet meadows.

Section 401 of the CWA requires that an applicant for a federal license or permit to discharge into navigable waters provide the federal agency with a water quality certification declaring that the discharge would comply with water quality standard requirements of the CWA. ACOE is prohibited from issuing a CWA permit until the applicant receives a CWA, Section 401, water quality certification or waiver from the RWQCB.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC 703 et seq.) is a federal statute that implements treaties with several countries on the conservation and protection of migratory birds. The number of bird species covered by the MBTA is extensive and is listed in 50 CFR 10.13. The regulatory definition of "migratory bird" is broad and includes any mutation or hybrid of a listed species and includes any part, egg, or nest of such bird (50 CFR 10.12). Migratory birds are not necessarily federally listed endangered or threatened birds under the ESA. The MBTA, which is enforced by USFWS, makes it unlawful "by any means or in any manner, to pursue, hunt, take, capture, [or] kill" any migratory bird or attempt such actions, except as permitted by regulation. The applicable regulations prohibit the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities, except under a valid permit or as permitted in the implementing regulations (50 CFR 21.11).[1]

[1] In December 2017, Department of Interior Principal Deputy Solicitor Jorjani issued a memorandum (M-37050) that interprets the MBTA to only prohibit intentional take (DOI 2017). Similarly, the Ninth Circuit Court of Appeals, like the Fifth Circuit and the Eighth Circuit, has held that the MBTA applies only to intended takes. *See*

State

California Fish and Game Code

Under Section 1602 of the California Fish and Game Code, the California Department of Fish and Wildlife (CDFW) regulates activities that would divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. CDFW has jurisdiction over riparian habitats (e.g., mulefat scrub) associated with watercourses. Jurisdictional waters are delineated by the outer edge of riparian vegetation or at the top of the bank of streams or lakes, whichever is wider. CDFW jurisdiction does not include tidal areas or isolated resources.

Per Section 3503 of the California Fish and Game Code, CDFW also regulates nesting birds and their nests. This code specifically states it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Per Section 3503.5 of the California Fish and Game Code, it is also specifically unlawful to take nests of Falconiformes or Strigiformes (birds-of-prey).

California Endangered Species Act

CDFW administers the California ESA (California Fish and Game Code, Section 2050 et seq.), which prohibits the take of plant and animal species designated by the Fish and Game Commission as endangered or threatened in California. Under the California ESA, Section 86, take is defined as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." California ESA, Section 2053, stipulates that state agencies may not approve projects that would "jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat which would prevent jeopardy."

California ESA, Sections 2080 through 2085, address the taking of threatened, endangered, or candidate species by stating, "No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the Commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided in this chapter, the Native Plant Protection Act (California Fish and Game Code, Sections 1900–1913), or the California Desert Native Plants Act (Food and Agricultural Code, Section 80001)."

Seattle Audubon Soc'y v. Evans, 952 F.2d 297, 303 (9th Cir. 1991). Due to challenges to these findings, the MBTA information is included herein to be conservative.

California Coastal Act

Under the California Coastal Act, the California Coastal Commission (CCC) regulates the "coastal zone" and requires a coastal development permit for almost all development within this zone. From 3 miles seaward, the coastal zone generally extends approximately 1,000 miles inland. In less developed areas, it can extend up to 5 miles inland from mean high-tide line, but can also be considerably less than 1,000 yards inland in developed areas.

The California Coastal Act also protects designated sensitive coastal areas by providing additional review and approvals for proposed actions in these areas. The act defines wetlands as "lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens…" The California Coastal Act allows diking, filling, or dredging of wetlands for certain uses, such as restoration. The act also directs each city or county within the coastal zone to prepare a local coastal program (LCP) for CCC certification. Under approved LCPs, jurisdictions can independently approve local coastal permits for projects developed consistent with the LCP. The City of Oceanside has an approved LCP.

The Coastal Act also includes regulations regarding Environmentally Sensitive Habitat Areas (ESHA). ESHA is defined in Coast Act Section 30107.5, and is defined as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." To evaluate if an area is considered ESHA, the CCC typically requires one of the following conditions to be met: (1) presence of rare species (listed species, CDFW protected species or species of special concern, CNPS list 1b species or CDFW list of California Terrestrial Natural Community), or (2) there is especially valuable species or habitat in the area.

Local

North County Multiple Habitat Conservation Program

The Multiple Habitat Conservation Program (MHCP) is a comprehensive, long-term regional habitat conservation plan established to protect sensitive species and habitats in northern San Diego County. The MHCP is one of three, large multiple-jurisdictional habitat planning efforts in San Diego County; those being the South County Plan, the North County Plan, and the East County Plan. Each of these constitutes a subregional plan under the State of California's Natural Community Conservation Planning (NCCP) Act of 1991. The MHCP encompasses the Cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. The program goals are to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46%) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened, or endangered species (SANDAG 2003). The MHCP

sets forth general and subarea conditions of coverage that must be met for each covered species in order for the cities to obtain take authorization.

Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan

The Oceanside Subarea Plan was prepared per the California Natural Community Conservation Planning Act (NCCP Act) and the ESA. The Oceanside Subarea Plan addresses how the City would conserve and protect biological communities and species considered sensitive under the NCCP Act and ESA. The draft Oceanside Subarea Plan has been prepared, and although the plan has not yet been formally approved by the City and the Wildlife Agencies, it is used as a guidance document for projects in the City of Oceanside.

Section 5.2.8 of the Oceanside Subarea Plan includes minimization measures that would be required to be implemented by the proposed project. These minimization measures, as follows, are standard conditions applied to all projects that may impact biological resources within the City:

1. The project applicant shall temporarily fence (with silt barriers) the limits of project impacts (including construction staging areas and access routes) to prevent additional habitat impacts and prevent the spread of silt from the construction zone into adjacent native habitats to be preserved. Fencing shall be installed in a manner that does not impact habitats to be preserved. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the Wildlife Agencies. Any riparian/wetland or upland habitat impacts that occur beyond the approved fenced shall be mitigated at a minimum 5:1 ratio. Temporary construction fencing shall be removed upon project completion.
2. Impacts from fugitive dust would be avoided and minimized through watering and other appropriate measures.
3. The project applicant shall develop an educational pamphlet (in English and Spanish) for the identification of raptor nests and to guide tree pruning activities in suburban areas during the breeding season. Landscaping companies and tree trimming services that have projects in the City shall be required to use the pamphlet to educate their employees on the recognition of raptor nest trees. Trimming of trees containing raptor or migrating bird nests shall be prohibited during the raptor breeding season (January 15 to August 31). Human disturbance shall be restricted around documented nesting habitat during the breeding season based on the following:
4. 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 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat

during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and federally- or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest, and 2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant would contact the City and Wildlife Agencies to determine the appropriate buffer.

5. A monitoring biologist shall be on site during: a) initial clearing and grubbing of all native habitats; and b) project construction within 500 feet of preserved habitat to ensure compliance with all conservation measures. The biologist must be knowledgeable of the covered species biology and ecology.
6. The applicant shall ensure that development landscaping adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's (Cal-IPC) “Invasive Plant Inventory” List. This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from Cal-IPC’s web site or other similar sources that may evolve over the life of this plan. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to the Preserve and water runoff from landscaped areas should be directed away from the biological conservation easement area and contained and/or treated within the development footprint. The applicant shall ensure that development lighting adjacent to all on- or off-site habitat shall be directed away from and/or shielded so as not to illuminate native habitats.
7. 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.
8. The biological monitor should flush wildlife out of habitat areas before they are cleared.
9. The biological monitor shall prepare periodic construction monitoring reports and a post-construction report to document compliance.

10. 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 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 would be for the shortest duration possible, and that no permanent irrigation would be used, for landscape or habitat creation/restoration/enhancement.
11. The applicant shall ensure that the following conditions are implemented during project construction:
    a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;
    b. 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;
    c. Pets of project personnel shall not be allowed on the project site;
    d. Disposal or temporary placement of excess fill, brush or other debris shall not be allowed in waters of the United States or their banks;
    e. 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.

Additionally, the following requirements are applicable Oceanside Subarea Plan Grading and Landscaping Requirements for New Developments within the Coastal Zone. The following conservation standards for Coastal Zone development (Section 5.3.5 of the Oceanside Subarea Plan) would be applicable to this project:

- Grading activity shall be prohibited during the rainy season: October 1st to April 1st of each year.

- To reduce erosion, all graded areas shall be landscaped prior to October 1st of each year with either temporary or permanent landscaping materials. Landscaping shall be maintained and replanted if not well established by December 1st following the initial planting.
- The October 1st grading season deadline may be extended with the approval of the City Engineer subject to implementation of special erosion control measures designed to prohibit discharge of sediments off site during and after the grading operation. Extensions beyond November 15th may be allowed in areas of very low risk of impact to sensitive coastal resources and may be approved either as part of the original coastal development permit or as an amendment to an existing coastal development permit.
- If any of the responsible resource agencies prohibit grading operations during the summer grading period in order to protect endangered or rare species or sensitive environmental resources, then grading activities may be allowed during the winter by a coastal development permit or permit amendment, provided that appropriate BMPs are incorporated to limit potential adverse impacts from winter grading activities.

City of Oceanside Local Coastal Program

The City's current LCP was certified by the CCC in 1986. The LCP is a planning document that regulates development in the City's Coastal Zone and establishes a long-range vision for the area. The LCP identifies goals and policies for protection of important biological resources in the San Luis Rey Specific Plan, Buena Vista Lagoon, and Loma Alta Creek. The proposed project is not located within these areas identified as biological resource protection areas in the LCP.

City of Oceanside General Plan

The City's General Plan Land Use Element contains environmental resource management objectives and policies pertaining to biological resources (City of Oceanside 2002). Applicable objectives and policies include the following:

> **Vegetation and Wildlife Habitats, Objective:** Recognition and preservation of significant areas with regard to vegetation and wildlife habitats.
>
> > **Policy 3.11A:** A biological survey report, including a field survey, shall be required for a proposed project site if the site is largely or totally in a natural state or if high interest specifies of plants or animals have been found on nearby properties.
> >
> > **Policy 3.11B:** Where appropriate, the City shall apply open space land use designations and open space zoning to areas of significant scenic, ecological, or recreational value.

> **Policy 3.11C:** In areas where vegetation or wildlife habitat modification if inevitable, mitigation and/or compensatory measures such as native plant restoration, land reclamation, habitat replacement, or land interest donation would be considered.
>
> **Policy 3.11D:** Areas containing unique vegetation or wildlife habitats shall receive a high priority for preservation.
>
> **Policy 3.11E:** Specific plans shall be developed in conjunction with regional and County agencies where appropriate, for areas where there is occurrence of endangered or threatened species.

The Environmental Resource Management Element of the City's General Plan also contain long-range policy direct and action programs with respect to biological resources. The Environmental Resource Management Element contains a workable program designed to conserve natural resources and preserve open space. The long range policy direction for biological resources is:

Vegetation and Wildlife Habitats, Long-Range Objective: Conserve and enhance vegetation and wildlife habitats, especially areas of rare, endangered, or threatened species.

4.1.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to biological resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to biological resources would occur if the proposed project would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.1.4 Impacts Analysis

For the purposes of biological resources impact analysis, direct, indirect, and cumulative impacts are defined as the following:

Direct impacts refer to the permanent loss of on-site habitat and the plant and wildlife species that it contains. All biological resources within the direct permanent impact area are considered 100% lost. Direct impacts were quantified by overlaying the project footprint (including off-site areas) onto the biological resources map of the site. The proposed development of the entire site is considered to be a direct permanent impact.

Indirect Impacts refer to off-site and on-site "edge effects" that are short-term (i.e., not permanent) as a result of project construction or long-term (i.e., permanent) due to the design of the proposed project and the effects it may have to adjacent resources. For the proposed project, it is assumed that the potential indirect impacts would result from construction activities such as dust, noise, and general human presence that may temporarily disrupt species and habitat vitality and construction-related soil erosion and runoff. With respect to these latter factors, however, project grading would be subject to the typical restrictions (e.g., best management practices) and requirements that address erosion and runoff, including the federal Clean Water Act, National Pollution Discharge Elimination System (NPDES), and preparation of a Stormwater Pollution Prevention Plan (SWPPP).

Cumulative Impacts refer to incremental individual environmental effects of two or more projects when considered together. These impacts taken individually may be minor but collectively significant as they occur over a period of time.

Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Direct Impacts

Special-Status Plants

No special-status plants were detected during the biological surveys, and none have a moderate to high potential to occur on site (Appendix B). Therefore, implementation of the proposed project would not directly impact any special-status plant species. **No impact** to special-status plants would occur.

Special-Status Wildlife

No special-status wildlife species were detected on the project site during biological surveys. Additionally, no special-status animal species have a moderate or high potential to occur as outlined in Appendix B.

Construction activities could result in the loss of nests, eggs, and fledglings of nesting birds protected under the MBTA and CDFG Code if vegetation clearing and ground-disturbing activities occur during the nesting season (February 15 through August 31 for most species, January 15 through August 31 for raptors). Impacts to nesting birds would be **potentially significant (Impact BIO-1)**.

Loss of suitable habitat for special-status animal species is limited given that the majority of project impacts are to disturbed, developed, or non-native grasslands, which does not provide native, natural habitat for special-status wildlife species. White-tailed kite and Cooper's hawk are highly mobile birds that may forage on site but are not expected to nest on site due to proximity to urban environments and lack of trees. The proposed project would not result in a substantial adverse effect on special-status bird species. The loss of potential raptor foraging area would be **potentially significant (Impact BIO-2)**.

Indirect Impacts

Special-Status Plants

Potential indirect impacts would result from construction activities such as dust, noise, and general human presence that may temporarily disrupt species and habitat vitality and construction-related soil erosion and runoff. With respect to these latter factors, however, project grading would be subject to the typical restrictions (e.g., best management practices) and requirements that address erosion and runoff, including the federal Clean Water Act, National Pollution Discharge Elimination System (NPDES), and preparation of a Stormwater Pollution Prevention Plan (SWPPP) (refer also to Section 5.6, Hydrology and Water Quality). Minimization measures required by Section 5.2.8 of the Oceanside Subarea Plan would be applied to avoid indirect impacts to special-status plant species. Refer to Section 4.1.2 above for the list of these required measures, which are intended to reduce potential indirect impacts such from dust, human presence, and other construction-related activities, which would otherwise adversely affect biological resources. Therefore, indirect impacts to off-site special-status plant species are not expected to occur. Impacts would be **less than significant**.

Special-Status Wildlife

Wildlife, including nesting birds and raptors, that could be indirectly affected by the project would likely be located in the San Luis Rey River corridor, approximately 600 feet from the project site.

Wildlife may be indirectly affected in the short-term and long-term by noise and lighting, which can disrupt normal activities and subject wildlife to higher predation risks. Adverse edge effects can cause degradation of habitat quality through the invasion of pest species. Minimization measures required by Section 5.2.8 of the Oceanside Subarea Plan would be applied to avoid indirect impacts to special-status wildlife species. Given the current disturbance of the surrounding area, as well as distance to the San Luis Rey River corridor, indirect impacts to special-status wildlife species, other than nesting birds, would be **less than significant**.

Breeding birds can be significantly affected by short-term construction-related noise, which can result in the disruption of foraging, nesting, and reproductive activities. Although the areas adjacent to the project site, or left intact on the project site following implementation of the proposed project, support very limited suitable vegetation for bird nesting, the ornamental trees surrounding the project site may support nesting habitat for raptors. Indirect impacts from construction-related noise may occur to wildlife if construction occurs during the breeding season (i.e., February 15–August 31 for most bird species and January 1–August 31 for raptors). Therefore, indirect impacts to nesting birds would be **potentially significant (Impact BIO-3)**.

Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Direct Impacts

Sensitive biological resources, including sensitive natural communities, are defined by the Oceanside Subarea Habitat Conservation Plan (City of Oceanside 2010) as "[l]ands that contain Natural Vegetation and/or wetlands; and/or habitat occupied by Covered Species, other Listed Non-covered Species, and/or Narrow Endemic Species". As discussed above, the site is not occupied by any sensitive species. There is no riparian habitat within the project site or within the project impact area. The only sensitive habitat on the site consists of the 2.45-acres of non-native grassland, which is noted to be within the Coastal Zone. As the site does not contain any sensitive species or rare habitat, the site does not qualify as ESHA under the Coastal Act.

The proposed project impacts to habitats and ground covers are shown in Figure 4.1-2, Biological Impacts, and summarized in Table 4.1-2. The project would impact 2.45 acres of non-native grassland: broadleaf dominated, which is considered a sensitive natural community identified in a local or regional plan. The proposed project's impact to non-native grassland would be considered a **potentially significant impact (Impact BIO-4)**, as this habitat provides biological value and is identified as a sensitive habitat per the Oceanside Subarea Plan.

Table 4.1-2
Proposed Direct Impacts to Existing
Vegetation Communities and Land Covers

Plant Community/ Land Cover	Existing Acres on the Project Site	Permanent Impacts (Acres)	Temporary Impacts (Acres)
Disturbed Habitat	0.11	0.11	—
Urban/Developed	2.76	1.93	0.05
Non-Native Grassland: Broadleaf-Dominated	2.45	2.45	—
Total	**5.31**	**4.49**	**0.05**

Source: Appendix B

* Due to rounding, total differs from the habitat breakdown.

Indirect Impacts

There are limited native vegetation communities adjacent to the project site that could be potentially indirectly impacted by the project. Coastal sage scrub and eucalyptus woodland are adjacent to the northwestern corner of the project site. Past the upland habitats, riparian vegetation communities associated with the San Luis Rey River occur. The remaining surrounding area is developed and mostly vegetated and maintained with ornamental species. The Oceanside Subarea Plan requires a 100-foot buffer of the San Luis Rey River. In addition, it is noted that the habitat to the northwest is within the MSCP's pre-approved mitigation area (PAMA) (Figure 4.1-1).

The potential short-term indirect impacts to off-site adjacent vegetation communities resulting from construction activities may include dust, general human presence, and construction-related soil erosion and runoff. However, project grading would be subject to the implementation of BMPs and typical restrictions and requirements that address dust control, erosion, and runoff, including the federal Clean Water Act and National Pollution Discharge Elimination System. As detailed in Section 4.1.2, Regulatory Setting, the project would be required to include standard avoidance measures per Section 5.2.8 of the Oceanside Subarea Plan. These best management practice features have been incorporated into the project as required, as detailed in Section 3.2.5, Project Design Features. These measures would reduce potential dust, human presence, and construction-related indirect impacts. With compliance with applicable regulations and the Oceanside Subarea Plan standard measures, the proposed project's indirect impacts to offsite riparian habitats and sensitive natural communities would be **less than significant**.

Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Direct Impacts

The proposed project would not result in a direct permanent impact to jurisdictional waters. There are no state or federally protected wetlands nor are there CDFW jurisdictional streambeds found within the project site or the project impact area, therefore there would be **no impact** to state or federally protected wetlands.

Indirect Impacts

The project site is approximately 600 feet east of the San Luis Rey River (Figure 4.1-1). The proposed project's construction-related indirect impacts to jurisdictional resources would be temporary and could include dust, general human presence, and construction-related soil erosion and runoff (see above indirect impact discussion). However, project grading would be subject to the implementation of BMPs and typical restrictions and requirements that address dust control, erosion, and runoff, including the federal Clean Water Act and National Pollution Discharge Elimination System. Implementation of such construction and operational BMPs would control for stormwater pollution that could otherwise affect state or federally protected wetlands. Refer also to Section 5.6, Hydrology and Water Quality. In addition, the project would include Oceanside Subarea Plan standard measures (see Section 4.1.2, Regulatory Setting). These features have been incorporated into the project as required, as detailed in Section 3.2.5, Project Design Features. Therefore, the proposed project would have a **less than significant effect**.

Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site itself is not located within a movement corridor and does not facilitate movement of wildlife species because of its close proximity to other disturbed and developed sites. Thus, implementation of the proposed project would not directly impact wildlife movement. The proposed project would not affect the ability for wildlife movement within the San Luis Rey River corridor to the north. The project site does not serve as a native wildlife nursery site. Therefore, the project would not interfere substantially with the movement of wildlife species or established wildlife corridors or impede a native wildlife nursery, and **no impact** would occur.

Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The City's General Plan biological policies are identified in Section 4.1.2.

In accordance with General Plan Policy 3.11A, a biological survey report was completed for the project (Appendix B), and the result of its analysis has been incorporated into this EIR. The biological report includes field surveys, jurisdictional delineation, and literature review to assess potential impacts to sensitive biological resources that would result from implementation of the proposed project. The surveys to identify biological resources potentially impacted by the proposed project were performed in accordance with applicable plans, policies, and ordinances set forth by the Wildlife Agencies and the City, as well as current industry standards. Thus, the project is in compliance with General Plan Policy 3.11A.

General Plan Policy 3.11C requires the preservation of biological resources or, where vegetation and habitat modification is inevitable, appropriate mitigation for potential impacts. As described in Appendix B and in this section, the proposed project would have potentially significant impacts to sensitive biological resources (nesting birds, raptor foraging, and non-native grassland). Appropriate mitigation measures in compliance with the Oceanside Subarea Plan and applicable federal, state, and local codes are required and incorporated into this EIR. Thus, the project is in compliance with General Plan Policy 3.11C.

The site does not constitute unique vegetation or wildlife habitats; or significant scenic, ecological, or recreational value; or contain endangered or threatened species that are addressed in the General Plan Policies 3.11B, 3.11D and 3.11E. Thus, the project would be in compliance with General Plan Policies 3.11B, 3.11D and 3.11E.

The City of Oceanside Landscape regulations require a Tree Survey showing all existing trees on a project site to be relocated or removed, labeled with tree type, quantities, and diameter at breast height (DBH) for canopy trees and/ or brown trunk height (BTH) for palms. The city requires a 1:1 replacement ratio for all DBH and BTH removed.

A Tree Survey for the project site was provided as part of the application and plan review, and the proposed project includes a Tree Mitigation Schedule provided on the landscape concept plans that summarizes the removal and replacement numbers. The trees meeting DBH/BTH minimums being removed with the project are being replaced at a higher than 1:1 replacement ratio, as shown on the landscape plan (Figure 3-2, Landscape Plan).

Overall, the proposed project would not conflict with any local policies or ordinances protecting biological resources, and impacts would be **less than significant**.

Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The site is located in the North County Multiple Habitat Conservation Program (MHCP), which was adopted by SANDAG on March 28, 2003. The North County MHCP covers the City of Oceanside in addition to the cities of Carlsbad, Encinitas, Escondido, San Marcos, Solana Beach, and Vista. Each of these Cities except Solana Beach must complete a Subarea Plan and the Subarea Plan must be approved by the wildlife agencies in order to obtain incidental take permits for covered species. As discussed above, the site does not include any special status species covered by the MHCP but does include annual grasslands (MSCP Group E) habitat, as discussed further below.

The project would directly impact 0.11-acre of disturbed land, 2.76-acres of urban/developed land, and 2.45-acres of non-native grassland. As discussed above, the project impact to this biological resource would be considered significant (**Impact BIO-4**), and the project would provide mitigation (**MM-BIO-2**) at a 0.5 to 1 ratio in accordance with the MHCP guidance (SANDAG 2003; see MSCP Table ES-4). Overall, the proposed project would not conflict with the regulations and guidance provided in the MHCP. Therefore, the proposed project would have a **less than significant impact**.

The proposed project is within the Oceanside Subarea Plan (City of Oceanside 2010), which is the Habitat Conservation Plan utilized by the City to guide protection of biological resources. This habitat conservation plan has not been adopted, and this consistency analysis is provided for informational purposes. According to this plan, the site is not located with an area designated for biological preservation and is not a designated wildlife corridor. The adjacent area to the northwest corner of the project site is identified as a significant biological resources, and is a pre-approved mitigation area (PAMA). The project would include standard measures consistent with the Section 5.2.8 of the Oceanside Subarea Plan to address potential indirect impacts to those adjacent resources (see Section 3.2.5). The Oceanside Subarea Plan (City of Oceanside 2010) identifies non-native grassland as providing biological resource value. As discussed above, the project would provide mitigation for the proposed impacts to non-native grasslands. The mitigation proposed would be consistent with the ratios identified in the Oceanside Subarea Plan. A migratory bird and raptor nest buffer guideline is included in Section 5.2.8 of the Oceanside Subarea Habitat Conservation Plan, which is incorporated into project **MM-BIO-1**. Overall, the project would be consistent with the Oceanside Subarea Plan.

4.1.5 Mitigation Measures

The following mitigation measures would reduce potentially significant impacts to biological resources to a level below significance.

MM-BIO-1 Prior to the issuance of any demolition or grading permit, the associated plans must state the following within the plan notes:

Migratory Bird and Raptor Nest Buffers. Trimming of trees containing raptor or migrating bird nests shall be prohibited during the raptor breeding season (January 15 to August 31). Human disturbance shall be restricted around documented nesting habitat during the breeding season based on the following:

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 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and federally- or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established:

- No work within 300 feet of a non-listed nesting migratory bird nest, and
- No work within 500 feet of a listed bird or raptor nest.

The City, in consultation with a City-approved biologist and/or Wildlife Agency (if list bird or raptor nest is present), may identify reduced buffers for species depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity), specie's sensitivity to noise, or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance).

MM-BIO-2 Significant impacts to 2.45 acres of non-native grassland shall be mitigated at a 0.5:1 ratio for a total of 1.23 acres of non-native grassland or other City-approved native vegetation community. The mitigation location shall be prioritized as follows: (1) Oceanside Subarea Plan Wildlife Corridor Planning Zone, (2) City of Oceanside, and (3) Northwestern San Diego County area. Mitigation shall be provided via one of the following options:

- **Mitigation Bank Option.** Prior to the issuance of any grading permit, the applicant shall provide proof of purchase of mitigation credits at a mitigation bank within San Diego County equal to 1.23 acres of non-native grasslands or higher value vegetation community.

- **Habitat Preservation Option.** Prior to the issuance of any grading permit, the applicant shall provide evidence to the City of Oceanside Planning Division that a minimum of 1.23 acres of non-native grassland or other City-approved native vegetation community are provided as mitigation through compensatory preservation. The habitat preservation mitigation site shall (1) be protected by a conservation easement or other City-approved mechanism that provides preservation in perpetuity, (2) have a permanent responsible party clearly designated, and (3) be managed in accordance with a Habitat Management Plan in perpetuity. The Habitat Management Plan shall also include Property Analysis Report (PAR) analysis to identify yearly maintenance and monitoring costs pursuant to meeting those performance criteria, as well as identify an initial management fund endowment to provide for management in perpetuity. Prior to grading permit issuance, the applicant shall provide proof that such funds have been provided to the permanent responsible party.

- **Habitat Restoration Option.** Prior to the issuance of any grading permit, the applicant shall provide evidence to the City of Oceanside Planning Division that a minimum of 1.23 acres of habitat intended to be restored to non-native grassland or other City-approved native vegetation community are provided as mitigation. In addition, the applicant shall provide a performance bond to the City prior to the issuance of a grading permit to ensure the completion of the restoration. The habitat restoration mitigation site shall (1) be protected by a conservation easement or other City-approved mechanism that provides preservation in perpetuity, (2) have a permanent responsible party clearly designated, and (3) be managed in accordance with a Habitat Management Plan in perpetuity.

  The Habitat Management Plan shall also include a Property Analysis Record (PAR) to identify yearly maintenance and monitoring costs pursuant to meeting those performance criteria, as well as identify an initial management fund endowment to provide for management in perpetuity. Prior to grading permit issuance, the applicant shall provide proof that such funds have been provided to the permanent responsible party.

  Restoration activities shall be completed in accordance with a Habitat Restoration Plan. Prior to issuance of a grading permit, proof of the initiation of the habitat restoration must be provided to the City.

4.1.6 Level of Significance After Mitigation

With incorporation of Mitigation Measure **(MM-)** BIO-1 and MM-BIO-2, potentially significant impacts to biological resources would be reduced to a level below significance. **MM-BIO-1**, which requires pre-construction nesting bird surveys and nest avoidance measures, would reduce potentially significant direct impacts (**Impact BIO-1**) and indirect impacts (**Impact BIO-3**) to nesting birds protected under the MBTA and California Department of Fish and Game Code to below a level below significance. Mitigation (**MM-BIO-2**) would require the provision of compensatory mitigation for non-native grassland impacts in accordance with the Oceanside Subarea Plan to reduce potentially significant impacts to raptor foraging (**Impact BIO-2**) and non-native grassland (**Impact BIO-4**) to a level below significant.



SOURCE: SANGIS 2017

DUDEK

0 70 140 Feet

FIGURE 4.1-1

Biological Resources

Alta Oceanside Project

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SOURCE: SANGIS 2017, City of Oceanside, Hunsaker 2019

DUDEK

0 70 140 Feet

FIGURE 4.1-2

Biological Impacts

Alta Oceanside Project

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