

# **APPENDIX A**

## *Public Scoping Comments*





## **NOTICE OF PREPARATION**

### **City of Oceanside, California**

---

**To:** Office of Planning and Research  
Responsible and Trustee Agencies  
Other Interested Parties

**Subject:** Notice of Preparation of an Environmental Impact Report (EIR)

**Project:** Cypress Point Project (APN 158-301-46-00) located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersections. Tentative Map (T21-00001), Development Plan (D21-00001), and Request for Density Bonus (DB21-00001)

**Lead Agency:** City of Oceanside

**Date:** April 21, 2021

Pursuant to Section 15082(a) of the California Environmental Quality Act (1970), the City of Oceanside will be the lead agency and will require preparation of an environmental impact report for the project described below. Consistent with your agency's statutory authority, the City requests input regarding the scope and content of the EIR. The City has concluded that the project could result in potentially significant environmental impacts and therefore an EIR is required. The project description and location are included herein.

Pursuant to Section 15103 of the CEQA Guidelines, response must be sent at the earliest date and received by our agency no later than thirty (30) days after receipt of this notice. Should you have any questions regarding the project or notice of preparation, please call Richard Greenbauer, Principal Planner, at (760) 435-3519. Please mail your written response by June 1, 2021 to:

Development Services Department  
Attn: Richard Greenbauer, Principal Planner  
300 N. Coast Hwy.  
Oceanside, California 92057  
Fax: (760) 435-2958  
E-Mail: [rgreenbauer@oceansideca.org](mailto:rgreenbauer@oceansideca.org)

**City/County Location:** City of Oceanside, County of San Diego

**Applicant:** Concordia Communities, LLC

**Project Location:** The Cypress Point project (proposed project) is generally located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersections. The site

consists of a vacant parcel (APN 158-301-46-00) of approximately 7.3 acres recently purchased from the City of Oceanside. The property is zoned RS-Single family residential, corresponding with the General Plan designation of SFD-R. Surrounding areas are zoned open space in the areas adjacent to the river, and a variety of residential zones, including RS, RM-A, RM-B, and RH, in the nearby neighborhoods.

**Project Description:** A request for approval of Tentative Map (T21-00001), Development Plan (D21-00001), and a request for Density Bonus (DB21-00001) in order to allow the construction of 54 single-family homes ranging from about 1,200 to 1,700 square feet in size located around a private loop road within the project site. A portion in the northwest corner of the site has been left undeveloped as part of the City of Oceanside's Draft Subarea Plan hardline preserve and to accommodate the existing San Luis Rey Trail located on the property. The property was sold as surplus land by the City of Oceanside. Under the Surplus Lands Act of California, if a project is developed with 10 or more residences, no fewer than 15% of those residences must be designated as "affordable" as defined by the state. The Cypress Point project proposes 54 total units, fewer than the 57 allowed under Density Bonus. Of that total, the Surplus Lands Act requires that 15%, or 8 units, be affordable, which is one more affordable unit than the 7 required under Density Bonus. The project will designate 8 units to be Low-Income units, with the remaining 44 units as market rate, which complies with both the Surplus Lands Act and Density Bonus Law provisions regarding affordable housing.

The homes in the development have been setback from existing residential homes on the east side by approximately 50 feet in order to provide privacy and visual relief to the existing homes on Los Arbolitos Boulevard. Primary site access is proposed to be taken from a westerly extension of Pala Road at the southern edge of the project site. The overall subdivision design will implement a decomposed granite (DG) path that winds through a landscaped area along the eastern edge of the project site from Pala Road at the south, up to a DG access easement driveway on the northeastern corner of the site. This DG path will be open to the public, leading up to the north to a 13-acre open space site.

The approvals required for the project include a Tentative Map, Development Plan, and a request for Density Bonus with waivers for development standards such as lot size, lot width, setbacks, lot front landscaping requirements, overall height of fences and walls, and a requirement that retaining walls over four feet high be plantable.

**Potential Environmental Effects:** Pursuant to CEQA Section 15060(d) of the CEQA Guidelines, the project may potentially result in significant impacts related to: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Utilities/Service Systems. An EIR will be prepared to evaluate the proposed project's potential impacts on the environment, outline mitigation measures, and analyze potential project alternatives.

## PUBLIC SCOPING MEETING


The City of Oceanside will hold a public scoping meeting to obtain information regarding the content and scope of the Draft Environmental Impact Report (DEIR). This scoping meeting will take place on May 4, 2021, at 6:00 pm at the QLN Conference Center located at 1938 Avenida del Oro, Oceanside, CA 92056, in the Mozart room. The scoping meeting format will consist of a brief project presentation, followed by a public comment period, and open forum with city staff and applicant representatives. All public agencies, organizations and interested parties are encouraged to attend and participate in this meeting.

Due to COVID concerns, the public has the option of participating in the scoping meeting virtually via Zoom. You will be able to listen/watch from any phone or computer with online access. Written comments can be made to the Development Services Department contact listed above.

Please click this URL to join the meeting online:

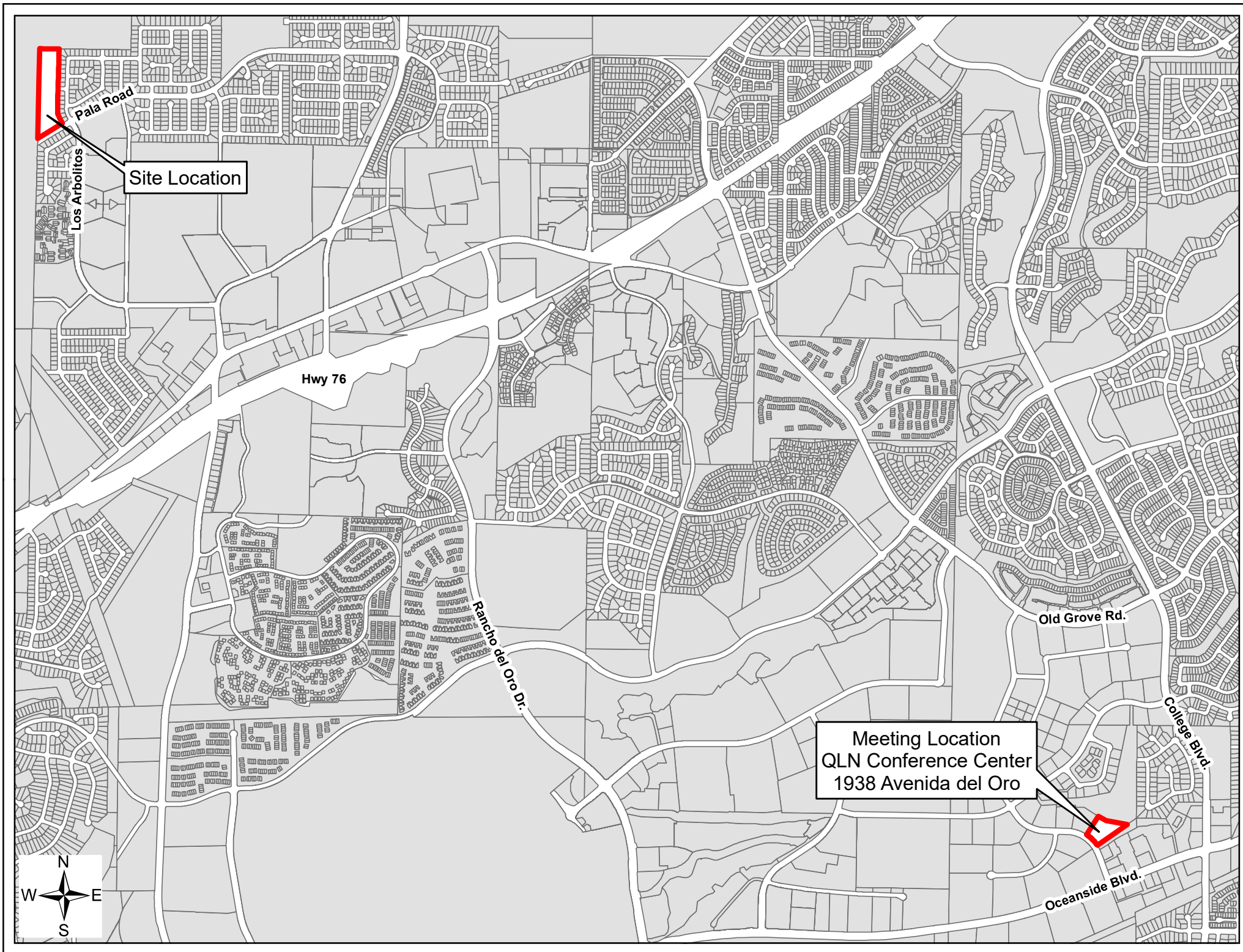
<https://us02web.zoom.us/j/86132571483?pwd=ekFCeGVuMFJlbko2emdpUEx4MklIZz09>

Passcode: 662858

**Signature:**  **Richard Greenbauer**  
Digitally signed by Richard Greenbauer  
DN: cn=Richard Greenbauer,  
ou=Planning,  
email=RGreenbauer@oceansideca.org  
Date: 2021.04.21 07:38:07 -0700  
Richard Greenbauer, Principal Planner

**Date:** April 21, 2021

**Attachments:** Figure 1, Location Map  
Figure 2, Site Plan



Los Arbolitos Blvd.

Pala Rd.



**Cypress Point Project**  
**Public Comments to Notice of Preparation Matrix**

#	Comment Letter Cite	Comments / Concerns	Considered in EIR or Planning Documents	Applicable EIR Section	Date Dated or Received
Federal Agencies					
1	NAHC	AB52	Yes	Cultural Resources/Tribal Cultural Resources	April 29, 2021
State Agencies					
1	County of San Diego Department of Environmental Health and Quality (County of San Diego Vector Control Program (VCP))	Ensure project drainage areas and other structures do not create a potential mosquito breeding source	Yes	Hydrology	May 27, 2021
2	California Department of Fish and Wildlife (CDFW)	Wildlife corridor planning zone; fuel modification; bio impacts and cumulative impacts; baseline assessments; focused surveys; mitigation/management	Yes	Biological Resources	June 1, 2021
3	CALTRANS	VMT/TIS	Yes	Traffic	May 28, 2021
4	County of San Diego Department of Environmental Health and Quality – Land and Water Quality Division	Land & Water Quality Division has records indicating there are two groundwater monitoring wells located at the Site, designated as 3B/B1/MW1 and 3B/B2/MW2, that were drilled by the San Diego County Water Authority and the City of Oceanside, respectively. These wells must be properly destroyed by a C57 licensed well driller under DEHQ permit prior to any grading or construction at the Site.	Yes	Utilities; Hydrology	May 28, 2021
Organizations					
1	San Diego County Archaeological Society	Requests copy of Cultural report and notification of DEIR availability	No	N/A	May 14, 2021
2	Buena Vista Audubon Society	The project has potential significant impacts on biological resources because of its location adjoining the San Luis Rey River, a major riparian corridor with a wide range of native wildlife and sensitive species. Of even greater importance is that this stretch of the river contains a concentration of community and government efforts, and the expenditure of resources, for wildlife habitat conservation. The following are in the immediate vicinity: the Whalen Lake Bird Sanctuary, Army Corps wetlands mitigation site, City-	Yes	Biological Resources; Alternatives	June 21, 2021

#	Comment Letter Cite	Comments / Concerns	Considered in EIR or Planning Documents	Applicable EIR Section	Date Dated or Received
		owned land with potential as a biological mitigation bank, and the Andy Mauro Nature Preserve. The Mauro Preserve, a 31-acre California Gnatcatcher restoration site owned and managed by the Buena Vista Audubon Society, is now undergoing restoration activities funded by the Navy under their REPA (Readiness and Environmental Protection Integration) Program. Therefore, it is essential that any development approved in this area be designed in a way that does not diminish all these efforts for biological resource conservation on a major wildlife corridor.			
Tribes					
1	Rincon	Potential TCRs in the project area; AB52 consultation request	Yes	Cultural Resources/Tribal Cultural Resources	May 12, 2021
Individuals					
1	Frank Yubeta	Affordability of homes, open space and recreational demand, biological resources, flood zone, building foundations, public notification	Yes	Population and Housing, Recreation, Public Services, Biological Resources, Hydrology, Geology and Soils	May 10, 2021
2	Jan Grass	Two-story architecture, privacy, parking, aspen access, water/energy use, fire and flood zone, wildlife habitat	Yes	Aesthetics, traffic, utilities, wildfire, hydrology, biological resources	May 10, 2021
3	Bobbie DeBoer	Wildlife and habitat, recreational use and open space availability, traffic, air quality	Yes	Biological Resources, Recreation, Traffic, Air Quality	May 19, 2021
4	Bill McCready	Recreational and open space use, requests for an enclosed dog run area as part of the new development	Yes	Recreation, Land Use	May 26, 2021
5	Marc Puckett	Protected Open Space designation on site	Yes	Land Use, Recreation	May 27, 2021
6	Gregory and Daila Stevens	Biological impacts, environmental impacts, crime, general opposition		Biological resources; public resources (police protection)	June 2, 2021
7	Allen Kolkman	Support for the project because of proposed affordable homes, site entrance, setbacks, overall consistency with surrounding residential development, need for housing	Yes	Project Description, Population and Housing, Land Use	June 7, 2021
8	Victoria Olsen	Fire access, open space, DG pathway proposed, crimes, dog walk	Yes	Public services (fire protection and police protection); wildfire; recreation;	June 17, 2021
9	Jeff and Pati Stanford	DG pathway, unleashed dogs and dog feces problem, habitat restrictions,	Yes	Project Description, Biological Resources, Land Use, Recreation	June 17, 2021
10	Lance Kasper	General opposition and same issues as Victoria Olsen's June 17, 2021 comment letter	Yes	Public services (fire protection and police protection); wildfire; recreation;	June 22, 2021
11	Victoria Olsen	Sewer systems, flooding, open space, improper grading, questions regarding sewer and water connection	Yes	Utilities, hydrology, recreation, geology and soils	June 22, 2021

#	Comment Letter Cite	Comments / Concerns	Considered in EIR or Planning Documents	Applicable EIR Section	Date Dated or Received
12	Tracy Collins	Proposed path by houses would be noisy; impacts to water aquifer and water quality; proposed houses are inconsistent with existing surrounding residential development; project traffic; reduction of open space; utility use; general opposition	Yes	Noise; Hydrology and Water Quality; Aesthetics; Land Use; Utilities	June 22, 2021
13	David Palmatier	General opposition; incompatible development to existing neighborhoods; request of neighborhood park instead of development due to lack of open space/parks in the area	Yes	Aesthetics, Land Use, Recreation	June 22, 2021
14	David and Ann Palmatier	Questions and comments regarding property sale price, offers submitted, potential buyers, closing date for escrow, escrow agent/office	No	N/A	June 23, 2021
15	Marc Puckett	Wildlife and existing habitat, open space use, cultural resources, development in a flood zone, increased density in the area and impacts on public parks, traffic and reduced economic investment values, demand on public services, lack of park space, utility capacity, traffic, water quality and supply, sustainable uses, cumulative impacts	Yes	Project Description, Biological Resources, Cultural Resources, Geology and Soils, Hydrology, Public Services, Recreation, Traffic, Utilities and Service Systems, Land Use, Cumulative Effects	June 28, 2021
16	Jane R. Hendron	Impacts to the San Luis Rey River, construction noise, impacts to protected habitat, police service, wildfire risk, proximity to Camp Pendleton, impacts to viewshed, aesthetics of the proposed development, home prices, setbacks, traffic and parking, site design, density, cultural resources,	Yes	Project Description, Aesthetics, Biological Resources, Noise, Public Services, Wildfire, Land Use, Population and Housing, Traffic and Circulation, Cultural Resources, Other CEQA Considerations	June 30, 2021
17	Anonymous (No Name)	Dog park use, traffic and congestion, two-story aesthetics, views for existing residents in surrounding neighborhoods, air pollution, water availability, land sale.	Yes	Recreation, Traffic and Circulation, Land Use, Aesthetics, Population and Housing, Air Quality, Utilities and Service Systems, Public Services	July 6, 2021
18	Serene Hung and Gerry Craft	Existing open space use, biological resources, traffic, noise, increased density and population.	Yes	Recreation, Public Services, Biological Resources, Traffic and Circulation, Noise, Population and Housing	July 7, 2021



## NATIVE AMERICAN HERITAGE COMMISSION

April 29, 2021

Richard Greenbauer  
City of Oceanside  
300 N. Coast Hwy.  
Oceanside, CA 92057

RECEIVED

MAY 04 2021

Re: 2021040691, Cypress Point Project, San Diego County

CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keller**  
Luiseño

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Julie Tumamait-**  
**Stenslie**  
Chumash

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

Dear Mr. Greenbauer:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:**

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
  - i. Planning and construction to avoid the resources and protect the cultural and natural context.
  - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - i. Protecting the cultural character and integrity of the resource.
  - ii. Protecting the traditional use of the resource.
  - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

## California Department of Transportation

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
SAN DIEGO, CA 92110  
(619) 709-5152 | FAX (619) 688-4299 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



May 28, 2021

11-SD-76  
PM 3.396  
Cypress Point  
NOP/SCH#2021040691

Mr. Richard Greenbauer  
City of Oceanside  
300 N Coast Hwy  
Oceanside, CA 92057

Dear Mr. Greenbauer:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for the Cypress Point project located near State Route 76 (SR-76). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

### Traffic Impact Study

- A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) should be provided for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.<sup>1</sup>
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.

---

<sup>1</sup> California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." [http://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

## **Complete Streets and Mobility Network**

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Oceanside is encouraged.

## **Land Use and Smart Growth**

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

The City of Oceanside should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

## **Environmental**

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the EIR that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all

environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

### **Right-of-Way**

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing [D11.Permits@dot.ca.gov](mailto:D11.Permits@dot.ca.gov) or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Kimberly Dodson, IGR Coordinator, at (619) 985-1587 or by e-mail sent to [Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov).

Sincerely,

*Maurice A. Eaton*

MAURICE EATON  
Branch Chief  
Local Development and Intergovernmental Review



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



June 1, 2021

Mr. Richard Greenbauer  
Development Services Department, Planning Division  
City of Oceanside  
300 North Coast Highway  
Oceanside, CA 92054  
[rgreenbauer@oceansideca.org](mailto:rgreenbauer@oceansideca.org)

**Subject: Cypress Point (Project), Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR), SCH #2021040691**

Dear Mr. Greenbauer:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Oceanside (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding the activities involved in the Cypress Point Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Richard Greenbauer  
City of Oceanside  
June 1, 2021  
Page 2 of 9

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Oceanside (City) participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the San Diego City Multiple Habitat Conservation Plan (MHCP). However, the SAP was not finalized and has not been adopted by the City or received permits from the Wildlife Agencies (jointly, CDFW and the U.S. Fish and Wildlife Service (USFWS)).

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Concordia Homes

**Objective:** A request for approval of Tentative Map (T21-00001), Development Plan (D21-00001), and a request for Density Bonus (DB21-00001) to allow the construction of 54 single-family homes ranging from about 1,200 to 1,700 square feet in size, located around a private loop road within the Project site. The site consists of a vacant parcel (Assessor's Parcel Number, APN, 158-301-48-00) of approximately 7.3 acres. Because of the City of Oceanside's Draft Subarea Plan (SAP) hardline preserve and to accommodate the existing San Luis Rey Trail located on the property, a portion in the northwest corner of the site will not include buildings. The proposed homes would be set back from existing residential homes on the east side by approximately 50 feet and borders the San Luis Rey River to the west. Primary site access is proposed to be taken from a westerly extension of Pala Road at the southern edge of the project site.

**Location:** The Project site is located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersections in the City of Oceanside. The site consists of a vacant parcel (APN 158-301-48-00) of approximately 7.3 acres.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating Project impacts on biological resources and maintaining consistency with the draft SAP.

### Specific Comments

- 1) Wildlife Corridor Planning Zone (WCPZ). The Project map indicates that the Project footprint will encroach into the WCPZ. Avoidance and minimization measures should be taken to the maximum extent feasible to reduce impacts to the San Luis Rey River and avoid impacts to the WCPZ. The DEIR should include a discussion regarding Project activities that may adversely impact the San Luis Rey River and WCPZ with specific measures to offset such impacts. Any proposed Boundary Line Adjustments to the WCPZ should be determined with coordination with the Wildlife Agencies and approved by the City.
- 2) Fuel Modification. The draft SAP states that fuel modification activities shall not occur within the 100-foot biological buffer from the San Luis Rey River (Section 5, page 18). However,

Richard Greenbauer  
 City of Oceanside  
 June 1, 2021  
 Page 3 of 9

the Project activities may include fuel modification within around the Project boundary. The DEIR should include information as to how the Project or adjacent land may be affected by fuel modification requirements. Fuel modification should not adversely impact resources in the adjacent areas or mitigation lands. A discussion of any fuel modification requirements for this Project should be included in the DEIR to allow CDFW to assess potential impacts to biological resources. CDFW recommends all fuel modification requirements be met on the Project, and not in mitigation lands or habitat adjacent to the Project. Habitat being subjected to fuel modification (e.g., thinning, trimming, removal of mulch layer) should be considered an impact to these vegetation communities and mitigated accordingly. CDFW also recommends any irrigation proposed in fuel modification zones drain back into the development and away from natural habitat areas because perennial sources of water may have negative impacts such as the introduction of invasive Argentine ants.

- 3) Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity of the Project site to the San Luis Rey River and the WCPZ, it is essential to understand how the open space and biological diversity within it may be impacted by Project activities. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The following should be addressed in the DEIR:
  - a) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with an NCCP (NCCP, Fish & G. Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
  - b) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures;
  - c) A discussion on Project-related changes on drainage patterns downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. Mitigation measures proposed to alleviate such Project impacts should be included;
  - d) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
  - e) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 4) Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site, with emphasis

Richard Greenbauer  
 City of Oceanside  
 June 1, 2021  
 Page 4 of 9

upon identifying endangered, threatened, sensitive, regionally and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. The DEIR should include the following information:

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;
- b) A complete floristic assessment within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a thorough, recent, floristic-based assessment of special status plants and natural communities.
- c) A complete, recent, assessment of the biological resources associated with each habitat type onsite and within adjacent areas that could also be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) should be reviewed to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at [http://www.dfg.ca.gov/biogeodata/cnddb/submitting\\_data\\_to\\_cnddb.asp](http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp);
- d) CNDDDB indicates the occurrence of several special status species within the Project vicinity, these include coastal California gnatcatcher (*Polioptila californica*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax trailii extimus*), and thread-leaved brodiaea (*Brodiaea filifolia*). The DEIR should have a complete, recent, assessment of rare, threatened, and endangered, and other sensitive species onsite and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the United States Fish and Wildlife Service (USFWS); and,

Richard Greenbauer  
 City of Oceanside  
 June 1, 2021  
 Page 5 of 9

A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years as long as there was not a prevailing drought during the time of the botanical survey. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.

- 5) Sensitive Bird Species. A review of the CNDDDB indicates occurrences of special status bird species including coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher. Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in habitat directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.
  - a) CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).
  - b) Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working onsite, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 6) Coastal California Gnatcatcher. The DEIR should include a complete, recent habitat assessment for suitable coastal California gnatcatcher habitat. If suitable habitat for the coastal California gnatcatcher is present onsite or adjacent to the Project site, CDFW recommends protocol level surveys for gnatcatcher per the [1997 USFWS Coastal California Presence/Absence Survey Guidelines](https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher_survey-guidelines.pdf) to determine presence or absence of this species. Mitigation for direct, indirect and cumulative impacts to this species should be determined after the completion of these surveys. The protocol can be accessed here: [https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher\\_survey-guidelines.pdf](https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher_survey-guidelines.pdf).
- 7) Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR also stipulate that no invasive plant material shall be used. Furthermore, we recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well

Richard Greenbauer  
City of Oceanside  
June 1, 2021  
Page 6 of 9

as suggestions for suitable landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

## General Comments

- 1) Project Description and Alternatives. To enable CDFW to adequately review and comment on the Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
  - a) A complete discussion of the purpose and need for, and description of, the Project, including all staging areas and access routes to the construction and staging areas; and,
  - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 2) Lake and Streambed Alteration Agreements. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.*
  - a) CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the Environmental Impact Report of the local jurisdiction (Lead Agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA. Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020). The webpage can be accessed at: <https://wildlife.ca.gov/Conservation/LSA>.
  - b) In the event the project area may support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.
  - c) In project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized

Richard Greenbauer  
City of Oceanside  
June 1, 2021  
Page 7 of 9

vegetated buffer areas adjoining ephemeral drainages.

- d) Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.
  - e) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the DEIR evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 3) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail. Because this project is located within the WCPZ, onsite mitigation is recommended. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance, and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or non-profit organization to effectively manage and steward land, water, or natural resources on mitigation lands that it approves.
- 4) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands. Project impacts should be mitigated within the City of Oceanside, to the maximum extent feasible to be consistent with the draft SAP.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

Richard Greenbauer  
City of Oceanside  
June 1, 2021  
Page 8 of 9

## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Melanie Burlaza, Environmental Scientist, at [Melanie.Burlaza@wildlife.ca.gov](mailto:Melanie.Burlaza@wildlife.ca.gov).

Sincerely,

DocuSigned by:



D700B4520375406...

David Mayer  
Environmental Program Manager I  
South Coast Region

ec: CDFW

Karen Drewe, San Diego – [Karen.Drewe@wildlife.ca.gov](mailto:Karen.Drewe@wildlife.ca.gov)  
Jennifer Ludovissy, San Diego – [Jennifer.Ludovissy@wildlife.ca.gov](mailto:Jennifer.Ludovissy@wildlife.ca.gov)  
CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)  
State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)  
Jonathan Snyder, USFWS – [Jonathan\\_d\\_Snyder@fws.gov](mailto:Jonathan_d_Snyder@fws.gov)

## References

California Department of Fish and Wildlife. 2020. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDDB>.

California Department of Fish and Wildlife. 2020. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>

City of Oceanside Subarea Plan. 2010. Available from:  
<https://ci.oceanside.ca.us/gov/dev/planning/subarea.asp>

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service. FWS/OBS-79/31. Washington, DC.

Sproul, F., T. Keeler-Wolf, P. Gordon-Reedy, J. Dunn, and K. Harper. 2011. Vegetation Classification Manual for Western San Diego City. Prepared for San Diego Association of

Richard Greenbauer  
City of Oceanside  
June 1, 2021  
Page 9 of 9

Governments. February 2011.

United States Fish and Wildlife Service. 1997. Coastal California Gnatcatcher (*Polioptila californica californica*) Presence/Absence Survey Guidelines. Available from:  
[https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher\\_survey-guidelines.pdf](https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher_survey-guidelines.pdf)

**From:** "Hines, Colleen" <[Colleen.Hines@sdcounty.ca.gov](mailto:Colleen.Hines@sdcounty.ca.gov)>  
**Date:** May 28, 2021 at 9:34:23 AM PDT  
**To:** Richard Greenbauer <[RGreenbauer@oceansideca.org](mailto:RGreenbauer@oceansideca.org)>  
**Cc:** "Bennett, Mary" <[Mary.Bennett@sdcounty.ca.gov](mailto:Mary.Bennett@sdcounty.ca.gov)>  
**Subject:** Comments on EIR NOP, Cypress Point Project

**Warning: External Source**

---

Good Morning Mr. Greenbauer,

Regarding the Cypress Point Project, the Department of Environmental Health and Quality (DEHQ), Land & Water Quality Division has records indicating there are two groundwater monitoring wells located at the Site, designated as 3B/B1/MW1 and 3B/B2/MW2, that were drilled by the San Diego County Water Authority and the City of Oceanside, respectively. These wells must be properly destroyed by a C57 licensed well driller under DEHQ permit prior to any grading or construction at the Site.

Regards,

**Colleen Hines**

Supervising Environmental Health Specialist

Site Assessment and Mitigation Program

Land and Water Quality Division

Department of Environmental Health and Quality

Phone: (858) 505-6874



# County of San Diego

**AMY HARBERT**  
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY  
**VECTOR CONTROL PROGRAM**

5570 OVERLAND AVENUE, SUITE 102, SAN DIEGO, CA 92123  
Phone: (858) 694-2888 Fax: (858) 571-4268  
[www.SDVector.com](http://www.SDVector.com)

**REBECCA LAFRENIERE, REHS**  
DIRECTOR OF ENVIRONMENTAL HEALTH

May 27, 2021

Development Services Department  
Attn: Richard Greenbauer, Principal Planner  
300 N. Coast Hwy.  
Oceanside, CA 92057

Via e-mail to: [rgreenbauer@oceansideca.org](mailto:rgreenbauer@oceansideca.org)

## COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CYPRESS POINT PROJECT

Dear Mr. Greenbauer:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the above referenced project. The County of San Diego Vector Control Program (VCP) is responsible for the protection of public health through the surveillance and control of mosquitoes that are vectors for human disease including West Nile virus (WNV). The VCP has completed their review and has the following comments regarding the proposed project.

1. The VCP respectfully requests that the project design features address potential impacts from possible mosquito breeding sources created by the project and that the project is constructed in a manner to minimize those impacts. Specifically, ensure construction-related depressions created by grading activities and vehicle tires do not result in depressions that will hold standing water. In addition, ensure that drainage areas and other structures do not create a potential mosquito breeding source. Any area that is capable of accumulating and holding at least ½ inch of water for more than 96 hours can support mosquito breeding and development.
2. Please note, the VCP has the authority pursuant to state law and County Code to order the abatement of any mosquito breeding that does occur either during construction or after the project is completed that is determined to be a vector breeding public nuisance. The VCP will exert that authority as necessary to protect public health if the project is not designed and constructed to prevent such breeding.
3. For your information, the County of San Diego Guidelines for Determining Significance for Vectors can be accessed at [http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/vector\\_guidelines.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/vector_guidelines.pdf) and the

Mr. Greenbauer  
May 27, 2021  
City of Oceanside

California Department of Public Health Best Management Practices for Mosquito Control in California is available at  
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/MosquitoesandMosquitoBorneDiseases.aspx#>

The VCP appreciates the opportunity to participate in the environmental review process for this project. If you have any questions regarding these comments, please contact Daniel Valdez at 858-688-3722 or by e-mail at [Daniel.Valdez@sdcounty.ca.gov](mailto:Daniel.Valdez@sdcounty.ca.gov).

Sincerely,

DANIEL VALDEZ, Registered Environmental Health Specialist  
Vector Control Program

**From:** Jan Grass <[jkgrass3@cox.net](mailto:jkgrass3@cox.net)>  
**Sent:** Monday, May 10, 2021 11:59 AM  
**To:** Richard Greenbauer <[RGreenbauer@oceansideca.org](mailto:RGreenbauer@oceansideca.org)>  
**Cc:** [outreach@cypresspointinfo.com](mailto:outreach@cypresspointinfo.com)  
**Subject:** Cypress Point EIR Report Comments

**Warning: External Source**

Hello Mr. Greenbauer –

Per your request at the May 4, 2021 meeting, here are some suggestions/comments regarding the Cypress Point Development project.

1. Two Story Architecture -The two story architecture is not compatible with the existing single story houses in our neighborhood. In the past whenever the neighborhood was added onto, the developers used similar architecture to the existing houses and every house is one story.
2. Privacy - The privacy of the existing housing on the west side of Los Arbolitos Blvd. will be compromised by two story houses with people in the second story able to look down into the rear of the houses on Los Arbolitos. Likewise, the houses on the west side of the development by the bike path will have their privacy compromised by people using the path able to look into the rear of those houses.
3. Parking – It was noted that there would be no street parking in the development. There is only one overflow lot located on the south end of the property. People on the north side will not park their cars on the south end and walk up to the north end. They will use Los Arbolitos and Pala Road for their overflow cars. It was assumed that there would only be one family per house, which is not always the case. People buy houses and get roommates to offset the mortgage/utility costs, and those people have cars too. It is quite possible that some houses will have 5-6 cars to park and no place to park all of them.
4. Aspen Access – Getting rid of the Aspen access into the development would be helpful. It will stop people from parking their overflow cars on our street. Also, the access is an annoyance and possible danger to the two houses across the street from it. They will be plagued in the evening hours by car headlights shining in their windows. It is also possible that a drunk driver will miss the turn the plow straight into those two houses.
5. Water/Energy Usage – We have been exhorted to “save water/save electricity” for years now. What for? So the new housing can use all the water/energy we have been conserving? Apparently there are now 268 apartments going in at El Corazon and it looks like the Morro Hills development is going to be approved. Isn't that enough for the city? Or, perhaps it isn't enough that you've antagonized all the South Morro Hills people and now want to do the same to this neighborhood. How can there be more development and less water/energy consumption? What a conundrum!
6. Fire/Flood Zone – The property is in a flood plain which extends to the middle of Los Arbolitos. It also is considered a fire zone by insurance companies due to its proximity to the river bed. Many people on the west side of Los Arbolitos are unable to buy homeowner insurance due to these conflicting zone specifications. Most of the preferred insurance companies will not insure houses if they are in a designated wild fire or brush fire zone.
7. Aquifer – The aquifer is located on the property which makes the ground spongy and unstable. Two previous builders have found the land unusable and I doubt the situation has changed.

8. Wildlife Habitat – Please secure a habitat assessment conducted by an approved U.S. Fish and Wildlife Service and/or the California Department of Fish and Game and/or the local jurisdiction habitat conservation department. The property is located in a area where sightings of rare species and/or natural communities have been recorded.

I hope you will use these comments. We can be reached at 760-672-0422 if you would like to discuss them further.

Thank you,  
Don and Jan Grass

**From:** [Richard Greenbauer](#)  
**To:** [Vanessa Currie](#); [Brian Grover](#)  
**Cc:** [Jeb Hall](#); "[Kelly Kanaster](#)"  
**Subject:** FW: Cypress Point  
**Date:** Wednesday, June 2, 2021 8:25:33 AM  
**Attachments:** [mitigated.png](#)

---

FYI.

---

**From:** Marc Puckett <marccpuckett@gmail.com>  
**Sent:** Thursday, May 27, 2021 10:10 AM  
**To:** Richard Greenbauer <RGreenbauer@oceansideca.org>  
**Subject:** Cypress Point

**Warning: External Source**

---

I've attached a screen shot of a caltrans map that shows the subject area as protected 'open space'.

You can see for yourself at [http://www.mapcollaborator.org/cpad/?base=g+photo&y=33.23364&x=-117.34405&z=16&layers=mapcollab\\_cpadng\\_cpad\\_ownlevel%2Cnotes%2Cpolygons%2Cuploads&opacs=50%2C100%2C25%2C90](http://www.mapcollaborator.org/cpad/?base=g+photo&y=33.23364&x=-117.34405&z=16&layers=mapcollab_cpadng_cpad_ownlevel%2Cnotes%2Cpolygons%2Cuploads&opacs=50%2C100%2C25%2C90)

My question is what does that mean? If not in english, perhaps in a technical definition.

Thanks in advance!

Marc Puckett  
760 525-3491

**From:** Jeff and Pati Stanford <[stanfordjp@verizon.net](mailto:stanfordjp@verizon.net)>  
**Sent:** Thursday, June 17, 2021 5:07 PM  
**To:** Richard Greenbauer <[RGreenbauer@oceansideca.org](mailto:RGreenbauer@oceansideca.org)>; [vqolsen@gmail.com](mailto:vqolsen@gmail.com)  
**Cc:** Esther Sanchez <[ESanchez@oceansideca.org](mailto:ESanchez@oceansideca.org)>; Christopher Rodriguez <[CRodriguez@oceansideca.org](mailto:CRodriguez@oceansideca.org)>  
**Subject:** Re: Cypress Point DG Pathway

**Warning: External Source**

I have read Victoria's comments and agree that some sense needs to be made out of this DG pathway (that is, why?), and whether it will worsen the off-road vehicles and exacerbate the dog feces problem. I live on Cypress Road, against the concrete culvert, and dogwalkers are continually letting their unleashed dogs poop on the hill just on the east side of the rusty USGS bridge (between Foussat and Douglas bridges, at mile 4.7).

Heretofore, there has been little to no enforcement of of Penal Code 602's habitat restrictions in this and other riverbed areas. With the way development is progressing, I am not at all sure that it will get any better. If in fact Cypress Point is developed, I am very unsure how it would benefit the spirit of habitat protection promised in PC 602. This proposed DG path might open the floodgates to unwanted recreation back there. Other than the off-roading and dogfights, this area in question has been quiet and peaceful, one of the reasons we purchased a home here five years ago.

Please use care and good judgment in this proposed development in regards to keeping a peaceful neighborhood, and most importantly keeping the neighborhood residents informed.

Jeff Stanford

**From:** [vgolsen@gmail.com](mailto:vgolsen@gmail.com) <[vgolsen@gmail.com](mailto:vgolsen@gmail.com)>  
**Sent:** Thursday, June 17, 2021 12:18 PM  
**To:** Richard Greenbauer <[RGreenbauer@oceansideca.org](mailto:RGreenbauer@oceansideca.org)>  
**Cc:** Esther Sanchez <[ESanchez@oceansideca.org](mailto:ESanchez@oceansideca.org)>; Christopher Rodriguez <[CRodriguez@oceansideca.org](mailto:CRodriguez@oceansideca.org)>  
**Subject:** Cypress Point DG Pathway

**Warning: External Source**

---

Hi Richard,

Just wanted to provide you with some background and comments from myself and folks in the neighborhood regarding the Cypress Point project as it pertains to the DG pathway.

The conceptual plan shows a DG pathway that leads from behind 701 Los Arbolitos Boulevard and Pala Road to the northern end of Los Arbolitos Road and culminates behind 3934 Redwood Street which seems to be a proposed fire access route to the open space area behind the northern side of Redwood Street. Personally, I would not only like to know what is happening with the new fence that I saw on plans that runs along the back of homes on Los Arbolitos, but would like to know how the grading may impact the area behind my home and my fence for this "fire access" road that is planned to lead into the open space.

There is some confusion from residents of the area regarding the proposed DG pathway.

The residents in the immediate area, as well as some from adjacent neighborhoods, have worked long and hard to prevent the open space area being utilized for off-road vehicles (which is recently becoming a problem once again), off-leash dog walking, and a drug trafficking "highway" just to name a few. By allowing the construction of and announcing the proposed DG pathway as a "community" amenity, totally defeats all the effort/money the neighborhood, police, and City departments have put forth to prevent issues in the surrounding area. It is confusing to the residents in the area that now this development is proposing to channel the general public through not only a new neighborhood, but directly behind the homes on the western side of Los Arbolitos Boulevard. Additionally, the pathway would then funnel folks/vehicles to what looks to be an open (not gated) fire access behind 3494 Redwood Street which would also allow off-road vehicle access. The area behind the homes on the northern side of Redwood has always been posted "No Trespassing" and because of criminal activity, the opening from the terminus of Ponderosa Street was fenced off. (The terminus of Pala Road was also fenced off, however, someone cut the fence at Pala Road which now allows bikes, motorbikes, and pedestrians through.) That being said, we do not understand the point of the DG pathway/access to this area north of Redwood Street which we understood to be designated/zoned "open space" with the developer also proposing mitigated habitat that runs from behind 3494 Redwood along the levee down to Sherwood Street.

The other issue for the stance against the DG pathway is the problem with those that use it as a place to exercise/relieve their dogs. Understand that a majority of folks that live on Los Arbolitos, Redwood, and Sherwood have dogs. Some have been attacked by off-leash dogs in the open space. Many of the folks that are upset with the development of this parcel do not live in the immediate area. These folks are upset because they lose their place to go with their dogs. They do not deal with the noise, the flies, the dogfights and aftermath of all of it.

The folks who do not live in the area, have, historically used this area as a place to exercise their dogs and as a “doggy latrine.” Folks drive up to the end of Pala, Aspen, and Ponderosa, park and let their dogs out. Many of these folks come from the condos and apartments in the neighborhood and beyond – just like folks that used the area to off-road. There used to be three women that would drive up in three vehicles, park at the end of Pala Road with approximately 15+ dogs. They would let them out, off leash, to run and roam the area from Pala to Sherwood. Do you honestly think they cleaned up after all those dogs? People had to be concerned being back there with 15+ dogs off leash. A lot of time and effort by residents went into dealing with these women. There are TONS of stories regarding dogs out back, many not good (the same goes for off-road activity). No one comes back from their “walks” with their dogs with a doggy bag. The number of flies that are generated because of uncollected dog feces was very evident during Covid 2020. Since most folks stayed at home, the amount of people and dog “walking” was greatly reduced and so was the fly population. I owned a horse and personally know the impact on the fly population of collecting manure and leaving it in a pile on the far end of a ranch opposed to totally removing that pile from the property. Additionally, for the folks who live on Los Arbolitos, the fact that the DG pathway is proposed to be right behind our fences and is also landscaped, is an issue when it comes to people walking their dogs and allowing them to relieve themselves there. It seems obvious that if folks want to walk or walk with their pets through this neighborhood, let them do it on the public sidewalks that will be put in, but do not provide a dog latrine area that no one is going to keep clean, every day, and those of us that have our patios and pool areas next to it, have to deal with the flies, stench, and noise.

As far as those that use the open space area to exercise their dogs off-leash, there have been many, many dog fights and dog attacks. The City has ordinances in place just to deal with these issues; so while dog walking itself is not the issue, cleaning up afterwards and the attacks that occur from off-leash pets impact those of us in the area, is a big issue.

Concordia told a group of us that the residents of Cypress Point will help police any problems from folks on the pathway. Policing the neighborhood takes a lot of effort from the residents. Ask folks from our neighborhood how we know! The fact that Concordia is building “working family homes” says it all – these homes will barely have any property - because folks will be working and will not have the time or energy to take care of a home with a full lot and landscaping. They will not be home to watch what is happening in their neighborhood, thus will not know what is occurring, least of all have the time to deal with it. OPD told us many times that they could not go after folks in the open space because they couldn’t get to the offenders (!) since they did not have off-road policing. So, if Concordia is putting in this DG walkway to “appease pressure from the community” the City should be the guiding force and not allow it to be implemented especially when these folks will be funneled through an ungated access to open space that is posted “No Trespassing” and cannot be policed. Furthermore, we would rather see how this area may be landscaped to allow for more of a visual buffer to our homes/backyards since the soil level will be raised quite a bit due to being in the flood plain. Obviously, there are other issues such as the grading/drainage, the impacts to our neighborhood that after reading the Private System Sewer Analysis and Exceptions to Design the Engineer is requesting from the City will have as well as the Biological Report. I think many of us realized that there were many hurdles the developers would have to clear for this project, but we are hoping the City will remain strong and enforce Codes and not allow exceptions that will impact the neighborhood whether visually or in the workings of the infrastructure but also as health and safety issues and not disrupt the fabric of the area. But that will be another communication.

Thank you, Richard, for your time and consideration on this issue, the residents of the community appreciate it.

Victoria Olsen

**From:** Ann Palmatier <[annandme4664@yahoo.com](mailto:annandme4664@yahoo.com)>  
**Sent:** Wednesday, June 23, 2021 10:40 AM  
**To:** Richard Greenbauer <[RGreenbauer@oceansideca.org](mailto:RGreenbauer@oceansideca.org)>; Victoria Olsen <[vgolsen@gmail.com](mailto:vgolsen@gmail.com)>  
**Cc:** Esther Sanchez <[ESanchez@oceansideca.org](mailto:ESanchez@oceansideca.org)>; Christopher Rodriguez <[CRodriguez@oceansideca.org](mailto:CRodriguez@oceansideca.org)>  
**Subject:** Re: Cypress Point Sewer Analysis

**Warning: External Source**

---

I attended the meeting at the Mission Branch Library last night, Tuesday June 22 2021.

Please submit the following to questions/comments:

1. When was this property listed as for sale by the city? by whom? what asking price? how many offers were submitted? by what potential buyers? What counter offers were made? What is the selling price?
2. What is the closing date for escrow on this property? what is the size of the property? Where can one see a copy of the listing?
3. Where can one see a copy of the escrow? Who is the escrow agent/office?

For consideration, this property should revert to the park and recreation for a park in this area. There is a need for a park and would be highly used by the current residents in this area. A park would alleviate the major concerns of the residents of the surrounding area , especially homeowners on Los Arbolitos, who rightfully are resistant to having a housing development, especially as proposed, developed on this property.

And, it is time for the developer to stand up and say "enough is enough", we will not force a development into an area that has such resistance from the current residents of the area. It is, thus, time for the developer to remove himself/itself from consideration for the purchase and development of this project.

Yours truly,

David Palmatier

**From:** Richard Greenbauer [mailto:[RGreenbauer@oceansideca.org](mailto:RGreenbauer@oceansideca.org)]

**Sent:** Wednesday, May 26, 2021 10:55 AM

**To:** Jeb Hall <[jeb@concordiahomes.cc](mailto:jeb@concordiahomes.cc)>

**Subject:** Fwd: Dog Park suggestion for Cypress Point

FYI

Sent from my iPad

Begin forwarded message:

**From:** Bill McCready <[bcmccready@yahoo.com](mailto:bcmccready@yahoo.com)>

**Date:** May 26, 2021 at 10:21:37 AM PDT

**To:** Richard Greenbauer <[RGreenbauer@oceansideca.org](mailto:RGreenbauer@oceansideca.org)>

**Subject:** Dog Park suggestion for Cypress Point

**Reply-To:** "[bcmccready@yahoo.com](mailto:bcmccready@yahoo.com)" <[bcmccready@yahoo.com](mailto:bcmccready@yahoo.com)>

---

**Warning: External Source**

---

Many dog owners live in the Los Arbolitos neighborhood. Perhaps as planning for Oceanside's future dog park takes place, Cypress Point development could incorporate an enclosed dog run area. Ideally one space for large dogs, and another for small dogs.

Currently, dog owners utilize the vacant land to walk and socialize with their dogs. So many of my neighbors and I use the current trails there daily.

Respectfully, Bill McCready

[Sent from Yahoo Mail on Android](#)

Kelly Kanaster

---

**From:** Richard Greenbauer <RGreenbauer@oceansideca.org>  
**Sent:** Tuesday, May 11, 2021 6:42 AM  
**To:** 'arlene@ant-sc.com'  
**Cc:** jeb@concordiahomes.cc; Kelly Kanaster  
**Subject:** FW: Why the need for more homes people can't afford?

FYI

---

**From:** Frank Yubeta <2caguyz@gmail.com>  
**Sent:** Monday, May 10, 2021 9:34 PM  
**To:** Richard Greenbauer <RGreenbauer@oceansideca.org>  
**Subject:** Why the need for more homes people can't afford?

---

**Warning: External Source**

---

Mr. Greenbauer,

I'm a local resident,near the land that might become the Cypress Point neighborhood. I've lived in this area for many years and have always appreciated this close knit, humble community. The area composed of multiple single story homes,condos and apartments has a wonderful,slow paced atmosphere that is one of its major appeals. Sitting next to a shopping mall with grocers and restaurants. It's a special place where you can still walk,instead of driving to a store.

I'm extremely curious as to the motivation to ruin this beautiful natural space, just to build homes that the local residents of Oceanside can not afford. And by the way,just 15% of the properties will be affordable? What will these affordable houses cost? The main reason people are leaving California is because real estate is out of reach and the overall expense of. living here. We currently have one very small neighborhood park that services all of our community. Fireside Park is nice, but often frequented by homeless folks who reside in the river bed area. The Cypress Point lands could make a much needed recreational place for our community. Currently an open,undeveloped area with dirt

paths,where wildflowers abound. All kinds of animals call this natural,unspoiled space home and they need our protection. Throw in a few park benches, a porta potty and you have a place where people enjoy nature and gather for fun.

Speaking of protection. Why would they build 54 homes in a flood zone that sits next to a riverbed. Many manufactured homes in the area are set extra high on their foundations (4 ft. minimum) to protect them from flooding. How is it that these new homes will be safe at ground level? Makes little sense to me,but then I'm not pushing for more scars on the land,just to enrich a builder who doesn't live in this area and who won't be affected by the negative impact of this proposed project.

One more thing in closing. What is the purpose of sending out pertinent information in regard to a Public Scoping meeting which took place on May 4, 2021 in a letter that didn't even arrive until May 10th. Makes any information both odd and useless.

Food for thought,

Thank you, Frank Yubeta

May 18, 2021

Development Services Department

Attn: Richard Greenbauer, Principal Planner

300 N. Coast Highway

Oceanside, CA 90257

RE: Cypress Point Project

Dear Mr. Greenbauer:

I appreciate the opportunity to express my concerns about the above-referenced project.

Having lived in the area for more than 20 years, I would like to address the potential devastating consequences for the native animal inhabitants of the subject property, as well as the impacts this development would have on the surrounding area.

Over the years, I've seen coyotes, alone and in packs, hunting for rabbits and squirrels. They have already been pushed out of the surrounding hills by past developments, and now are forced to hunt closer to humans than they'd like. Crows gather by the hundreds on this ground in the fall, just as the sun goes down, in some mysterious social gathering only they understand. Birds of all kinds, including Bullock's Oriole, Western Meadowlarks, Northern Mockingbird, the American Robin and new to me this year, the Western Bluebird, inhabit this space in the spring, to find their mates and gather grasses and twigs to build their nests. Many other bird travelers visit, perching on the tall weeds to rest on their way north or south. The swallows also arrive every year to catch the swarms of gnats they love so much, while blue heron and egrets wait patiently for their catch of gophers in the morning hours. Weasels, dragonflies, snakes, spiders, mice, rats....they all call this place their home. Since Oceanside currently has no dog park, this piece of land has also been the one and only open space in this area where people could safely walk their dogs off-leash, with both dogs and humans enjoying companionship and camaraderie. In the 20+ years we've lived nearby, we've walked this field hundreds of times, with and without our dogs, and have appreciated and enjoyed this piece of untouched nature.

Richard Greenbauer

May 19, 2021

Page 2

I am also concerned about the impact increased traffic will have on our area. If there are 58 homes being planned, you can count on at least two cars per residence, which means 116 more vehicles on the narrow streets surrounding the proposed development. We've been suffering with the construction of the Oceanside Water Project for months, causing traffic issues and road closures. The project at the old drive-in is still a bit of a mystery, but there have already been problems just in them moving large machinery from place to place. When they get done with that, I'm sure the traffic congestion on Mission will be horrific getting in and out. And that's not counting the air quality....we are breathing in large amounts of dirt, dust, and soot while the construction all around us rages on.

Oceanside is the last coastal city not to be over-developed in San Diego County. When I travel south, I'm shocked at the amount of construction being done in every conceivable empty space available. Isn't the reason we want to live here because it's naturally so beautiful? That beauty is being destroyed, not only for the people and animals who live here, but also for the people who come to visit. I know this project is probably going to happen no matter what any of the nearby residents say because money speaks, and it is also the reason my husband and I will be selling our much-loved home and moving out of San Diego County as soon as he retires next year.

Sincerely,



Bobbie DeBoer

3919 Magnolia Road

Oceanside, CA 92058

*P.S. What about our lack of water? Will we be rationing again?*

Kelly Kanaster

---

**From:** Richard Greenbauer <RGreenbauer@oceansideca.org>  
**Sent:** Tuesday, June 08, 2021 7:35 AM  
**To:** Jeb Hall; Kelly Kanaster  
**Cc:** Arlene Tendick  
**Subject:** FW: Cypress Point Project

For your records

---

**From:** Allen Kolkman <kolkmanallen@gmail.com>  
**Sent:** Monday, June 7, 2021 3:41 PM  
**To:** Richard Greenbauer <RGreenbauer@oceansideca.org>  
**Subject:** Cypress Point Project

---

**Warning: External Source**

---

Dear Richard Greenbauer, Principal Planner

I have lived at 710 Fredricks Ave for 39 years; this is quite close to this proposed project.

Unfortunately, I was not able to attend the last scoping meeting, nor will I be able to attend the next. But I have read all the materials sent to me and have visited the website concerning the project.

While I look forward to further information with great interest, at this point, I am supportive of this project for the following reasons:

1. Oceanside desperately needs housing, especially "affordable" homes. And while that always means smaller homes, I prefer individual single family houses to the condos now almost exclusively being built in our City. People complain of the housing costs in Oceanside but the primary remedy for this is simply more supply. This would grant much needed additional houses, all about the same size as the neighboring ones.

2. The developer has gone to great lengths to not negatively impact the neighboring homes; in my opinion, far more than would be expected and certainly far more than the current homes do to their neighbors. The 75 feet setback, the entrance point, the not using Aspen (but turning that into a small park) all surprises and pleases me. I noticed the access path to the open space to the north, as well.

3. While the density is higher than the Los Arbolitos area houses that immediately adjoin it, it's not inconsistent with the large condo projects just to the south and certainly far less than the several apartment projects nearby. And it seems part of the property, immediately east, is being left open.

4. I've seen the proposed exterior elevations. While different from the Fredricks development, they are still somewhat "ranch" and look very nice.

While I'm sure my neighbors would rather this be left open space forever, I don't think that's an option and in light of the great need for housing, perhaps not really desired. I'm quite impressed with what I've seen so far.

Thank you.

Allen Kolkman

**SCOPING MEETING - CYPRESS POINT**  
**Oceanside Public Library - Mission Branch**  
**June 22, 2021**

**Comments**

PATH BY HOUSES WOULD BE NOISEY.

~~ALL~~ WILL PROJECT STOP SAND FROM GETTING TO BEACH

HOUSES WILL SIT ON WATER AQUIFER FOR OCEANSIDES WATER

HOUSES WILL NOT MATCH EXISTING HOME (TWO HOUSES)

TRACY COLLINS

**Please return comments to**

Development Services Department  
Attn. Richard Greenbauer, Principal Planner  
300 N. Coast Highway  
Oceanside, CA 92054  
Fax: (760) 435-2958  
Email: [rgreenbauer@oceansideca.org](mailto:rgreenbauer@oceansideca.org)

1. Do you have any answers to our questions from last meeting?
2. Did you complete a road and traffic survey? Increased traffic on Pala and Los Arbolitos will affect the children attending Louise Foussat School. Emergency evacuations will also be affected. Increased traffic will add minutes to daily commutes due to additionally congested roadways. Clogged streets from additional parked cars is also a concern. Concern for safety, emergency evacuations, first responders, school children, etc. Also, are Mission Ave., El Camino Real, and Fireside rated to withstand additional traffic?
3. What will this project do to improve the quality of life for any of us neighbors and animals who use and enjoy this open space area?
4. When this open space was created, it was for the well-being of all – Animals to escape river flooding, indigenous and endangered animals, providing a diverse feeding and nesting habitat. How will this project help large and small raptor birds which need open space to hunt and feed their young?
5. Since Covid-19 we have learned the city's need for more of these open spaces for our health and safety. Many people enjoy using this area, including hikers, dog walkers, bird watchers and bicyclers of all ages.
6. The border wall/fence separating the proposed project from the Los Arbolitos neighborhood is a bad idea! Tell us more. Will that wall be the new view from the houses that you are blocking? Will the city maintenance department be responsible for the graffiti that is sure to become an eyesore, creating an area of blight and other nefarious activities. In the 30 years I've lived here, I've never had one bit of

graffiti on my property due to this open space. The trail keeps people 100 feet away. You may not want to look at my fence but we don't want to look at your border wall!!!!

7. What about the city easement sewer path? This will be a "rodent highway." Also will we start to see homeless encampments between the wall/fence and the back of our properties, as it is in so many other places? What is your solution to these problems?
8. How many people that work in Oceanside can afford these houses or will they attract people who have incomes and have to commute from out of town?
9. Will they be solar powered?
10. Will they have natural gas?
11. Will they be all electric?
12. For all the reasons stated above, this project should be denied.

SCOPING MEETING - CYPRESS POINT  
Oceanside Public Library - Mission Branch  
June 22, 2021

Comments

Opposed - this is not compatible to surrounding  
existing neighborhood. Should be more compatible -  
7000 sq lots, single story at most!

\* Actually, this property should be developed into a  
neighborhood park!!!

David Palmatier  
annandme4664@yahoo.com

Please return comments to

Development Services Department  
Attn. Richard Greenbauer, Principal Planner  
300 N. Coast Highway  
Oceanside, CA 92054

Fax: (760) 435-2958

Email: rgreenbauer@oceansideca.org

\* SEND COPY  
TO DAVID

SCOPING MEETING - CYPRESS POINT  
Oceanside Public Library - Mission Branch  
June 22, 2021

RECEIVED

JUL 06 2021

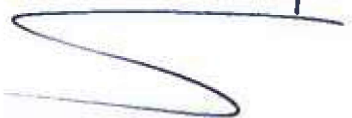
Comments

CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

The city of Oceanside is currently looking for "Dog Park" property. The land currently considered for the Cypress Point neighborhood would be ideal for this purpose. The need for homes in this area is questionable. Two stories would block current views. Additional cars from new residents will add to air pollution and traffic congestions. The nearest major intersection ECR + Mission is a traffic nightmare already. Drought + water shortages will only be worsen, as new homes will need water, which is currently a very rare and scarce resource. The need to hide the sale of this property and lack of notification about previous "planning meetings" proves that the builders are not to be trusted and who wants one more deceptive business

Please return comments to

Development Services Department  
Attn. Richard Greenbauer, Principal Planner  
300 N. Coast Highway  
Oceanside, CA 92054  
Fax: (760) 435-2958  
Email: rgreenbauer@oceansideca.org

relationship.  


RECEIVED

JUL 06 2021

June 30, 2021

Development Services Department  
Attn: Richard Greenbauer, Principal Planner  
300 N. Coast Hwy.  
Oceanside, California 92057

CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

Subject: Notice of Preparation of an Environmental Impact Report for Cypress Point

Mr. Greenbauer:

The Cypress Point project, as proposed, generates numerous concerns that should be addressed in any Environmental Impact Report (EIR) prepared under the California Environmental Quality Act (CEQA).

Impacts to habitat in the San Luis Rey – the proposed project creates a pinchpoint at the northeast corner of the property that includes construction of a cement wall very close to the south side of the San Luis Rey and removes any buffer between human activity and the riparian habitat. Construction will create noise that may cause species to be displaced; therefore, construction should take place outside of the nesting season for birds that occupy the riparian habitat within the river and adjacent uplands, and noise abatement measures should be required to limit impacts.

There are continuous violations of the protected habitat to the west of the proposed project – everything from off-leash dogs to people using the unofficial dirt trail behind the homes on Hunter Street, to illegal dirt bikes driving all over the habitat and risking the start of wildfires. It is already impossible to get the Oceanside Police Department out in a timely manner when violations occur and they lack the appropriate off-highway vehicles that would allow them to actively dissuade violators. The addition of 54 more homes will add even more people and their dogs and motorbikes along this area, adding to the noise, trash, and wildfire risk the Hunter Street homeowners already have to deal with. What measures are proposed to ensure any additional homes and people will not increase these impacts to existing homeowners on Hunter Street?

Marine Corps Base Camp Pendleton - The decision to sell City-owned land for intensive development in close proximity to the boundary of Marine Corps Base Camp Pendleton undermines the efforts of the Marine Corps to acquire buffer lands that are key to ensuring it can continue to fulfill its military mission. The Department of Defense's Readiness and Environmental Protection Integration program acquires land to buffer the installation from impacts to military training activities. In 2017, a 31-acre parcel was acquired through this program and is currently managed by the Buena Vista Audubon - [Land Acquisition - Buena Vista Audubon \(bvaudubon.org\)](#). Adding numerous new homes proximal to Camp Pendleton and this newly acquired Andy Mauro Preserve defeats the purpose of the REPI program - [MCBCampPendleton.pdf \(repi.mil\)](#).

Impacts to viewshed – the proposed project calls for two-story homes which will completely block the views of all homes along the northernmost extent of Los Arbolitos Boulevard. In keeping with the existing homes, Cypress Point should consist of single-story residences. If two-

story homes are to be included, they should be limited to only a portion of the proposed project and should not be contiguous, to allow for some remaining viewshed for the existing homes along Los Arbolitos Boulevard.

Impacts to aesthetics – developing these homes in a completely different style from the surrounding homes breaks up the symmetry of the adjacent, existing neighborhood. The construction of a large wall will be an attractant for graffiti, which is already a problem in the area.

Impacts to home prices in the surrounding neighborhood – the cramming of 54 homes onto a 13-acre lot forces a density not in keeping with the other single homes in the prior phases of this development area. Most homes in this area have lot sizes of about 6,000 square feet (sf). The proposed development significantly reduces the lot size in order to meet a density bonus threshold which is not mandatory for the City or the developer. This area of Oceanside already suffers from home values that are lower than other parts of the City. Adding 50+ homes crammed together on tiny lots will likely degrade home values for the homeowners in the surrounding neighborhood. Realistically, the City would never expect the residents of Henne Hills, Fire Mountain or Rancho Del Oro to have to accept this kind of project. The City should focus on developing this land in a manner that will add to existing home values in the surrounding neighborhood.

One of the attractions of homes throughout this area are the larger yards and separation between homes that enhance privacy and the ability of homeowners to enjoy their properties. I noticed the developer now says there will be a 75 foot setback from the existing homes from Los Arbolitos – the April 21 letter indicated it was only 50 feet. Is 75 feet accurate? Where is the developer planning to gain the additional 25 feet – by further reducing the lot sizes? Also, the existing homes on Los Arbolitos will now be stuck with traffic noise from both their front and back exposures. This will reduce the value of those homes.

I suggest making the first row of homes in the new development have their backyards abut the existing homes' backyards, if necessary and remove one of the roads. By keeping the remaining two roads there is still ample ingress/egress in case of emergency. The remaining homes could then be turned so the front faces towards the San Luis Rey. Reducing the third row of homes would bring the density down to be more compatible with the existing development; it would provide for larger lot sizes, and gives ample room to have some larger, two story homes.

Diversify the housing mix - if there is an interest in adding to the housing mix while ensuring surrounding properties do not lose value, the proposal should consider construction of twin homes – this could satisfy affordable housing while ensuring other single homes on larger lots can also be included that can higher sale values. There is no requirement for this City-owned land to be used to maximize the profits of a private developer. The number of homes must be reduced; larger lot sizes should be slated for some homes; use of twin homes should be considered; and there should be a reduction in the number of two-story dwellings on the site.

Impacts to wildfire safety – the density of these homes makes house-to-house spread of fire a higher likelihood in event of a wind-driven wildfire. Additionally, there is no information about

the materials used to construct these homes. Most of the surrounding homes are a mix of wood/stucco with asphalt roofs. What materials will be used to construct these homes?

If the City is serious about providing a meaningful contribution to affordable housing options, this project should include smaller sized homes (1085 sq ft to 1150 sq ft), allowing for larger lot sizes.

Impacts to parking – there are already parking issues along Los Arbolitos Boulevard and parts of Orr and Hunter Streets caused by the extensive apartment and condominium buildings that have no garages or have limited parking spaces. We also know that many homes do not use garages for their intended purposes, which leads to homeowners parking vehicles on the street. We went through this recently on Orr and Hunter Streets, with the result being a partial parking permit program. How will this project ensure that existing homeowners will not be faced with even more cars taking up space along streets in front of their homes, especially on Los Arbolitos Boulevard?

Cultural resources – has the developer or the City conducted a thorough search of this site for cultural artifacts?

I really hope this project is modified to bring it back down to a density in keeping with the surrounding neighborhoods, and that it will be constructed in a way that is more in keeping with the aesthetics of existing construction.

Sincerely,



Jane R. Hendron

**From:** [Richard Greenbauer](#)  
**To:** ["Jeb Hall"](#)  
**Cc:** ["Kelly Kanaster"](#); ["Arlene Tendick"](#); [Vanessa Currie](#)  
**Subject:** FW: Cypress Point  
**Date:** Tuesday, June 22, 2021 8:09:31 AM

---

FYI

-----Original Message-----

From: lance kasper <lancekasper@yahoo.com>  
Sent: Tuesday, June 22, 2021 7:49 AM  
To: Richard Greenbauer <RGreenbauer@oceansideca.org>  
Subject: Cypress Point

Warning: External Source

---

Good morning Richard,

My wife & I own the home at 713 Los Arbolitos Blvd. I want to officially go on record to state that we are very much opposed to the plan for new development in the 'open' area behind our house. That being said we also share the many concerns regarding this 'project' with all our neighbors, especially Victoria Qolsen. Thank you for your time. We'll be at the meeting tonight to reiterate our issues with Cypress Point.

Lance Kasper

Sent from my iPhone

**From:** [Richard Greenbauer](#)  
**To:** [Vanessa Currie](#); [Brian Grover](#)  
**Cc:** [Jeb Hall](#); ["Arlene Tendick"](#); ["Kelly Kanaster"](#)  
**Subject:** FW: Submittal: Cypress Point Proposal  
**Date:** Monday, June 28, 2021 3:03:19 PM

---

## Scoping Comments for the NOP/Scoping Meeting.

---

**From:** Marc Puckett <marccpuckett@gmail.com>  
**Sent:** Monday, June 28, 2021 3:01 PM  
**To:** Richard Greenbauer <RGreenbauer@oceansideca.org>  
**Subject:** Submittal: Cypress Point Proposal

**Warning: External Source**

Dear Richard,

Thank you so much for introducing me to the Parks and Recreation Master Plan.  
Here is my submission for the EIR.

Marc  
760 525-3491

Submittal: Environmental Impact Report - Cypress Point Proposal

### **Aesthetic / Visual**

Whether you're driving west on Pala Road or walking the trails by the San Luis Rey River, the sliver of land that stretches from the airport to Douglas has been a special open space for adults, kids, bikers and dogs. Also you can find coyotes and skunks wandering about. Endangered species have been found in the area. It is not just an aesthetic for the two legged critters, but the coyotes hunt our cats, I've lost two, and the skunks mate. My point is that this is a wonderful buffer space between the critters and the Residents. Walkers early in the morning scare the coyotes away. Walkers at night need to be aware of the skunks.

The Eastward view from the hills to the west is going to have a great blight to look at. The developers and city will have long since spent their profits and fees while we have to live with the real price of "double density bonus".

One of my favorite spots is the trial loop at the west end of Cypress. I usually pause there because no matter what time of year it's a pretty good view of the meadow in the foreground and the hills beyond. The view west is now a perspective to the corner of the river and is going to partly block the view of the hill with the poor fruits of "double density bonus".

This whole stretch from the airport to Douglas, on to College and beyond is going to be the crown jewel of this city if it can protect this area from development and insure enough open space for residents.

### **Archeological / Historical**

I am aware that this area has been disturbed by the original leveling of the developer planning to build there 40 years ago, the Army Corp of Engineers, and general clean up by the city. Understanding that, I still submit that the history of the area acknowledges that the Indians lived by the river, the early settlers lived by the river, and as recently as this year we've found indian bones under the old drive-in. This area is even closer to the river and has never been examined for artifacts.

Decision to build on this area will shut this door forever as the developer is going to build up the area to insure his pipes don't interfere with the existing pipes of the cities and Bonsalls.

A decision not to build preserves the area for the public as well as archeological interests.

### **Biological Resources**

In passing I'd like to point out that previous evaluations have found many of the State's endangered species. Residents find them in their yards.

### **Drainage /Absorption**

The end of Pala Road flooded as recently as this year, and it's a drought!

The proposal to build up the land and build houses will increase runoff, reduce absorption and increase the chance of flooding existing neighbors. That problem may play havoc with the city's recent water project at the west end of Pala Road.

### **Population / Housing Balance**

I've lived in Long Beach, New York City, Vista(County) and now Oceanside. My observation is that crowded living is only appropriate in richer areas with good transportation and lots of entertainment. Perhaps downtown Oceanside could qualify or along the Oceanside Blvd corridor near transit centers where you already expect growth, not here where you already have some of the highest population density and the least Public Parks. Everywhere else it can cause unintended consequences, traffic, reduced economic investment values.

In my experience the greatest decision ever made was the creation of New York City's Central Park. The creation of San Luis Rey River Park may be your gift to those who are here and those who come.

## **Public Services / Facilities**

This neighborhood has one of the highest densities for Oceanside and what Public Services do we have? We have the Police and Library and Fire Engine #3. And a bus line that runs the shortcut between Douglas and Mission, Pala Road to Los Arbolitos, Los Arbolitos to Mission. They compete with the thousands that go that way or the reverse. Oh! Of Parks, we've got little Fireside Park!

Take a look just across the river, they have two parks and several times as much space as we do, even before adjusting for density! Perhaps you could locate a project like this there, it's even more remote.

Give me San Luis Rey River Park or prepare to climb another "Goat Hill".

## **Recreation / Parks**

A quick look at the Master Plan for the Oceanside Parks and Recreation Department will prove that our community has less parks than any other. Perhaps your GIS analysis already shows this. If it wasn't for the open space, living in the community I live, I would move, after a recall effort for the whole council.

## **Sewer Capacity**

All I know for sure is when I'm near the Pump House where the 76 passes over Mission, I can smell it. Given the drainage issues in the area I surely hope you can take the flow.

## **Traffic / Circulation**

Given the experience at Academy Road and Mission I have little confidence in your ability to analyse this traffic situation at the West end of Pala Road. We often ask the Police to patrol Pala Road, Los Arbolitos and Fireside to look for stop sign runners, donut drivers, and speeders as it is. This is just going to make the traffic worse on Pala Road( 35 mph), Los Arbolitos ( 30 mph ) and Fireside ( 25 mph ). How can you put high density housing at the end of rural roads, away from everything that a striving entry level employee is going to want, stores, transport, entertainment?

## **Water Quality / Supply / Ground Water**

Wells for the city water supply exist in this area. The city filters the water from the wells at the plant across from Fireside Park and feeds it into the main water supply.

My concerns are multiple. This project creates a significant increase in pavement runoff. It reduces absorption into the ground there. What maintenance issues will we

face because of the development? Beneath this land run three sets of pipes in my understanding.

My overriding concern is are we in a position to add housing, promise water service in the middle of a drought? Have you really done an evaluation?

I'd like to include the following article from the New York Times,  
<https://www.nytimes.com/2021/06/28/climate/california-drought-farming.html?smid=url-share>

## **Land Use**

I would like to know how this project would stack up as a LEED project? It has no mixed use component. It provides a few more beds in a bedroom community that has exploded in beds in the past decades.

It is away from the population growth areas already identified by the city. It is on a piece of property that has been contentious since the original developer was not allowed to build on it. Since then, every few years an attempt to build on it has been suggested and was fought back every time. Then Covid struck, and under cover of Covid the city snuck through a sale of the property. No one received notice of the offer for sale of the property in the neighborhood.

I participated in a meeting at Aspen Court in 2011 with then councilperson Sanchez and Mayor Woods when we were told that it was open space at least until the next election.

Surrounding property owners even offered to buy the property to keep it open space. They were subsequently told in 2013 they needn't bother since it was open space and would never be built on.

I don't think the highest use of this property is housing. Given its use over the decades since first denied development as open space heavily trafficked by humans and critters alike, given the existing density of population already in the community and given the lack of existing park space in the community, and given the lack of alternative park space in the community, its highest use is its "continued" use as open space for the community.

## **One last cumulative effect.**

The decades-long behavior of the city makes me suspicious that it is losing its priorities with regards to Oceanside residents. Does it represent us, the existing residents, or do you represent people who may never come? Certainly Oceanside will grow, the question is whether it will be a well managed growth, anticipating problems or creating them?

I'm all for giving future residents investment opportunities to locate in "smart places", but a development that uses nothing of the cities investments in rapid transit and prime attractions is not smart, it's "dumb".

The jury is still out, but if this project is approved it will prove to my satisfaction that the city is not thinking of those who have fought for that open space, the open space that may be the last vestige of hope for the future of Oceanside. Sure the city founders along with the prior Mexicans screwed the Indians, but is the city going to screw the existing residents too? We have a slightly better legal system for reparations, God forbid.

Sincerely,

Marc Puckett  
3928 Arista Way  
Oside, 92058

760 525-3491

**From:** [Richard Greenbauer](#)  
**To:** ["Jeb Hall"](#); ["Arlene Tendick"](#); [Vanessa Currie](#); [Brian Grover](#)  
**Cc:** ["Kelly Kanaster"](#)  
**Subject:** FW: Cypress Point development  
**Date:** Wednesday, July 7, 2021 7:59:53 AM

---

## Comment for the record

---

**From:** Serene Hung <serene.hung@gmail.com>  
**Sent:** Wednesday, July 7, 2021 12:59 AM  
**To:** Richard Greenbauer <RGreenbauer@oceansideca.org>  
**Subject:** Cypress Point development

**Warning: External Source**

Hello Mr. Greenbauer,

I'm writing in regards to the proposed housing development at the end of Pala Rd and Los Arbolitos in Oceanside. My husband and I recently bought a house in this neighborhood and we really enjoy it; it's quiet, we have good neighbors, and we love the empty lot with the dirt trail where Cypress Point is proposed to be built. We take our dog for walks there every day, and many people in our community use that space as well. Open space that is available for everyone to enjoy is so rare, and I would be very sad to see it go. It's nice to walk through an area where plants still grow wild, and it would be a shame to destroy the habitat of some endangered fauna that live there. I realize that there is still a small portion of the land that would be left untouched, but I feel that this is certainly a slippery slope; that it would only be a matter of time before it is all taken away.

In addition to the land being built upon, I certainly would not look forward to the increased traffic and overall noise and air pollution that 54 some odd homes would bring with it. We moved here away from the center of San Diego to live somewhere more quiet. Between Cypress Point and all the things that are slated to be built off Hwy 76 where the swap meet used to be, it seems like the traffic and population would get out of control.

Please reconsider the ramifications that this will have on the current community and on the decreased living space for the wildlife that lives here.

Serene Hung and Gerry Craft

Development Services Department  
ATTN: Richard Greenbauer

We think that the Cypress Point Pro  
would not only be a impact on the enviro  
there would be more crime and would  
the value of our homes. No Cypress po

Thank you  
Gregory and Daila Stevens  
615 Fredricks Ave # 134  
Oceanside, CA 92058

**From:** [Richard Greenbauer](#)  
**To:** ["Jeb Hall"](#)  
**Cc:** [Vanessa Currie](#); ["Kelly Kanaster"](#); ["Arlene Tendick"](#)  
**Subject:** FW: Cypress Point Sewer Analysis  
**Date:** Tuesday, June 22, 2021 3:25:27 PM  
**Attachments:** [Fig 3 Proposed Sewer.pdf](#)

---

FYI an additional comment

---

**From:** Victoria Olsen <vqolsen@gmail.com>  
**Sent:** Tuesday, June 22, 2021 1:39 PM  
**To:** Richard Greenbauer <RGreenbauer@oceansideca.org>  
**Cc:** Esther Sanchez <ESanchez@oceansideca.org>; Christopher Rodriguez <CRodriguez@oceansideca.org>  
**Subject:** Cypress Point Sewer Analysis

**Warning: External Source**

Hi Richard -

After reading the Private Sewer System Analysis for the Cypress Point Project in the City of Oceanside, and being a resident of the area for 20+ years, it is a known fact and understood that there is quite a bit of existing City infrastructure on this property that needs to be either circumvented or redesigned to allow any type of construction to occur.

The concerns the neighborhood has is that these modifications and/or installation of the sewer system does not have negative impacts on the proper drainage of the property which includes impacts to the existing homes adjacent to the Cypress Point project. By having to deal with raising the soil high enough to build homes out of the floodplain, we are concerned with not only the height of the 2-story homes, the roadways, and sidewalks in this new area, but that the height of all these will allow people whether walking, driving, being in their homes, or on their front porches to look directly over our fences into our yards (see attached cross elevation). Why do the streets and walkways have to be higher than the existing streets in the neighborhood? Additionally, the report shows the engineer requesting quite a few exceptions to the City to allow certain modifications to be made in order for this system to be implemented. Again, we want to have assurance that any of these exceptions to the guidelines, whether Code or Local Ordinance, that the City may permit is such that existing homeowners will not be negatively impacted either through improper grading slopes and thus flooding (which has happened before), or because the sewer system itself will be negatively impacted due to exceptions being allowed. We do not want ill-conceived plans to affect the area after the developer is gone, and now the residents bare the brunt of dealing with the issues. Negatively impacted sewer systems also mean that unnecessary repairs or maintenance may have to occur which is time/money the City will expend and affect not only the City, but homeowners and others from noise, dirt, and traffic delays.

Lastly, Figure 3 shows four future sewer lines being led behind our homes from the southern part of

the project and terminating at the north end into the "open space." What would these lines be servicing, from where are they emanating, and would they be crossing the river?

There are also issues that folks are seeing with the habitat mitigation that is being proposed, we hope that there will be time to discuss issues at the meeting tonight.

Again, thank you for your consideration, we hope that those involved with the power to make decisions, do so as if you and your family lived here.

Victoria Olsen

Link for Sewer Analysis

<https://crw.cityofoceanside.com/etrakit3/viewAttachment.aspx?Group=PROJECT&ActivityNo=T21-00001&key=ACR%3a210121101523795>



## San Diego County Archaeological Society, Inc.

Environmental Review Committee

14 May 2021

RECEIVED

MAY 18 2021

CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

To: Mr. Richard Greenbauer, Principal Planner  
Development Services Department  
City of Oceanside  
300 North Coast Highway  
Oceanside, California 92054

Subject: Notice of Preparation of a Draft Environmental Impact Report  
Cypress Point Project  
T21-00001, D21-00001, DB21-00001

Dear Mr. Greenbauer:

Thank you for the Notice of Preparation for the subject project, which was received by this Society last month.

We are pleased to note the inclusion of historical resources in the list of subject areas to be addressed in the DEIR and look forward to reviewing it during the upcoming public comment period. To that end, please include us in notification of the public review of the DEIR and ensure availability of a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the environmental review process for this project.

Sincerely,

A handwritten signature in dark ink, appearing to read "James W. Royle, Jr.", is written over the typed name.

James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: SDCAS President  
File



Buena Vista Audubon Society  
PO Box 480  
Oceanside, CA 92049-0480

June 21, 2021

Mr. Richard Greenbauer, Principal Planner  
Planning Division, Development Services Department  
300 North Coast Highway  
Oceanside, CA 92054

Sent by email: [rgreenbauer@oceansideca.org](mailto:rgreenbauer@oceansideca.org)

SUBJECT: Comments on Scoping for Cypress Point Development EIR

Dear Mr. Greenbauer:

I am submitting the following comments on behalf of the Buena Vista Audubon Society with regard to issues to be analyzed in the EIR for the proposed Cypress Point project. We are an organization supported by 1,400 member households in north coastal San Diego County. We operate a nature center and conduct related activities in the City of Oceanside. The proposed development of 54 residential units is located adjacent to the San Luis Rey River, at the end of Pala Road and west of Los Arbolitos Boulevard. The property was sold as surplus land by the City of Oceanside.

The project has potential significant impacts on biological resources because of its location adjoining the San Luis Rey River, a major riparian corridor with a wide range of native wildlife and sensitive species. Of even greater importance is that this stretch of the river contains a concentration of community and government efforts, and the expenditure of resources, for wildlife habitat conservation. The following are in the immediate vicinity: the Whalen Lake Bird Sanctuary, Army Corps wetlands mitigation site, City-owned land with potential as a biological mitigation bank, and the Andy Mauro Nature Preserve. The Mauro Preserve, a 31-acre California Gnatcatcher restoration site owned and managed by the Buena Vista Audubon Society, is now undergoing restoration activities funded by the Navy under their REPA (Readiness and Environmental Protection Integration) Program. Therefore, it is essential that any development approved in this area be designed in a way that does not diminish all these efforts for biological resource conservation on a major wildlife corridor.

Upon review of the Notice of Preparation and a visit to the site, we have the following recommendations for items to be included and/or analyzed in the EIR.

- The EIR should contain a topographical map with the following clearly delineated: project footprint, 100-ft. biological buffer zone, river berm and bike trail, fire protection zone, site connections to protected and unprotected habitat and open space nearby, and the Draft

Subarea Plan Hardline Preserve for sensitive species. The Hardline Preserve along the San Luis Rey River in the Draft Subarea Plan was designed to provide habitat for riparian wildlife. This map is needed to determine project impacts, with particular attention to the northern portion of the project which is located close to the river.

- There is also a need to identify the current alignment and any re-alignment of the existing pedestrian trail along the river to avoid impacts on the riparian buffer.
- The EIR should describe a habitat restoration plan and long-term management plan for the buffer to support riparian wildlife and mitigate for development impacts.
- It should also describe how habitat in the buffer will be protected from indirect impacts of the development, such as lighting, noise, domestic animals, litter, recreational activities, off-road motorcycles and bicycles, etc.
- For the required analyses of environmentally superior alternatives, please evaluate an alternative that alters the project design and an alternative that reduces the number of units in the development, to determine a feasible alternative that reduces project impacts. From the map provided, it appears the northern portion of the proposed development is located closer to the river than the units in the southern end, and these impacts need to be analyzed.

Thank you for including the above requests in the EIR to avoid, minimize, and mitigate project impacts on biological resources.

Sincerely,

Joan Herskowitz  
Conservation Committee  
Buena Vista Audubon Society

# Rincon Band of Luiseño Indians

## CULTURAL RESOURCES DEPARTMENT

---

One Government Center Lane | Valley Center | CA 92082  
(760) 749-1051 | Fax: (760) 749-8901 | [rincon-nsn.gov](http://rincon-nsn.gov)



May 12, 2021

**Sent via email: [rgreenbauer@oceansideca.org](mailto:rgreenbauer@oceansideca.org)**

City of Oceanside  
Attn: Richard Greenbauer  
300 N. Coast Hwy.  
Oceanside, CA 92057

**Re: Cypress Pointe Project (APN 158-301-46-00; T21-00001, D21-00001, DB21-00001)**

Dear Mr. Greenbauer,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Band”), a federally recognized Indian Tribe and sovereign government. We have received your Notice of Preparation of an Environmental Impact Report for the Cypress Point Project. The identified location is within the Traditional Use Area (TUA) of the Luiseño people and within the Band’s specific Area of Historic Interest (AHI). As such, Rincon is traditionally and culturally affiliated to the project area.

After review of the provided documents and our internal information, the Band has specific concerns that the project has the potential to impact tangible Tribal Cultural Resources. Embedded in these resources and within the AHI are Rincon’s history, culture, and continuing traditional identity. We are looking forward to consulting with the City on the project to address the Band’s concerns.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749 1092 or via electronic mail at [cmadrigal@rincon-nsn.gov](mailto:cmadrigal@rincon-nsn.gov). Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Cheryl Madrigal  
Tribal Historic Preservation Officer  
Cultural Resources Manager