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## **Appendix A**

### Notice of Preparation and Comments Received





## **NOTICE OF PREPARATION**

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

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

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

**Project:** Olive Park Apartments Project

**Lead Agency:** City of Oceanside

**Date:** April 19, 2024

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 Shannon Vitale, Senior Planner, at (760) 435-3927. Please mail or e-mail your written response by May 20, 2024 to:

Development Services Department  
Attn: Shannon Vitale, Senior Planner  
300 N. Coast Hwy.  
Oceanside, California 92057  
Fax: (760) 435-3927  
E-Mail: [SVitale@oceansideca.org](mailto:SVitale@oceansideca.org)

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

**Applicant:** Capstone Equities

**Project Location:** The project site is located on a 43.50-acre site in the City of Oceanside, California. More specifically the site is located south of Oceanside Boulevard and west of College Boulevard; west of the terminus of Olive Drive and south of the North County Transit District (NCTD) rail line and College Boulevard Sprinter Station. Loma Alta Creek runs along the northern property boundary. The project site is located approximately 1.5 miles north of State Route 78 and is designated by the San Diego

Association of Governments (SANDAG) as a Smart Growth Opportunity Area due to its proximity to the College Boulevard Sprinter Station

The project site has a General Plan land use designation of Medium Density Residential (MDA-R), a zoning designation of Single Family Residential (RS), and is within the Mira Costa Neighborhood Planning Area.

**Project Description:** The project proposes to develop 6.11 acres (10.83 acres of impact) of the 43.5-acre site. The remaining approximately 32.67 acres would remain as natural open space and would be placed in a conservation easement as part of the proposed project. A total of approximately 52,328 square feet (1.2 acres) of common open space is proposed, which consists of common areas for each building including courtyards, paseo area, community garden, and dog run.

Development of the project is anticipated to occur over two phases. Phase 1 would include Building No. One located at the western portion of the site. Building No. One would be a 4-story building with 172 units with below grade parking. Phase 2 would include the construction of Building No. Two at the eastern portion of the project site. Two options are presented for Building No. Two: Option A includes 110 units and Option B includes 88 units. The project would construct up to a maximum of 282 multi-family dwelling units depending on which option is chosen for Building No. Two. All the dwelling units would be affordable to low, very-low, and extremely-low income households with one to three bedroom/two bath units. Access to the site would be provided via Olive Drive, at the eastern side of the project site. An emergency access only entry/exit to the project would be provided adjacent to the NCTD rail line.

The State of California's Density Bonus Law (Government Code Section 65915-65918) was established to promote the construction of affordable housing units and allows projects to exceed the maximum designated density and to use development standard waivers, reductions or incentives, and concessions in exchange for providing affordable housing units in compliance with all current density bonus regulations. The City implements these mandatory state requirements. Density Bonus law requires the City to determine the allowed number of dwelling units based on the greater of the density authorized by the General Plan or the zoning. Thus, the density for the project site is determined based on the General Plan's allowance of 9.9 dwelling units per acre. Dwelling unit distribution and density bonus calculations for the proposed project are outlined below.

Under the Density Bonus Law, where a density range is provided, the base number of units permitted is determined by multiplying the developable acreage, which is 34.5 acres (43.5 acre site – 1.98 acres of wetland/riparian – 7.01 acres of steep slope (slopes greater than 40% with more than a 25-foot change in elevation) = 34.5), by the maximum density for the specific zoning range and land use element of the General Plan applicable to the project (9.9 units per acre). Using this methodology, the base number of units allowed at the project site would be 341.6 (rounded up to 342 units as base allowable). Therefore, no density bonus to increase the allowable number of units is being requested as the



project would construct a total of either 260 units (with Option A for Building No. 2) or 282 units (with Option B for Building No. 2).

**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, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use, Noise, Population and Housing, 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 provide an overview of the project entitlement application and obtain information regarding the content and scope of the Draft Environmental Impact Report (DEIR). This meeting will take place on **Thursday, May 9, 2024, at 6:00 p.m. at the El Corazon Events Center: 3306 Senior Center Drive, Oceanside, CA 92056, in the City of Oceanside.** The 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.

Entitlement application materials for this project have been submitted to the City and are currently being reviewed by staff and are available for public review either at the City or on the City's eTRAKIT website (<https://crw.cityofoceanside.com/etrakit3/>) under project number D24-00006.

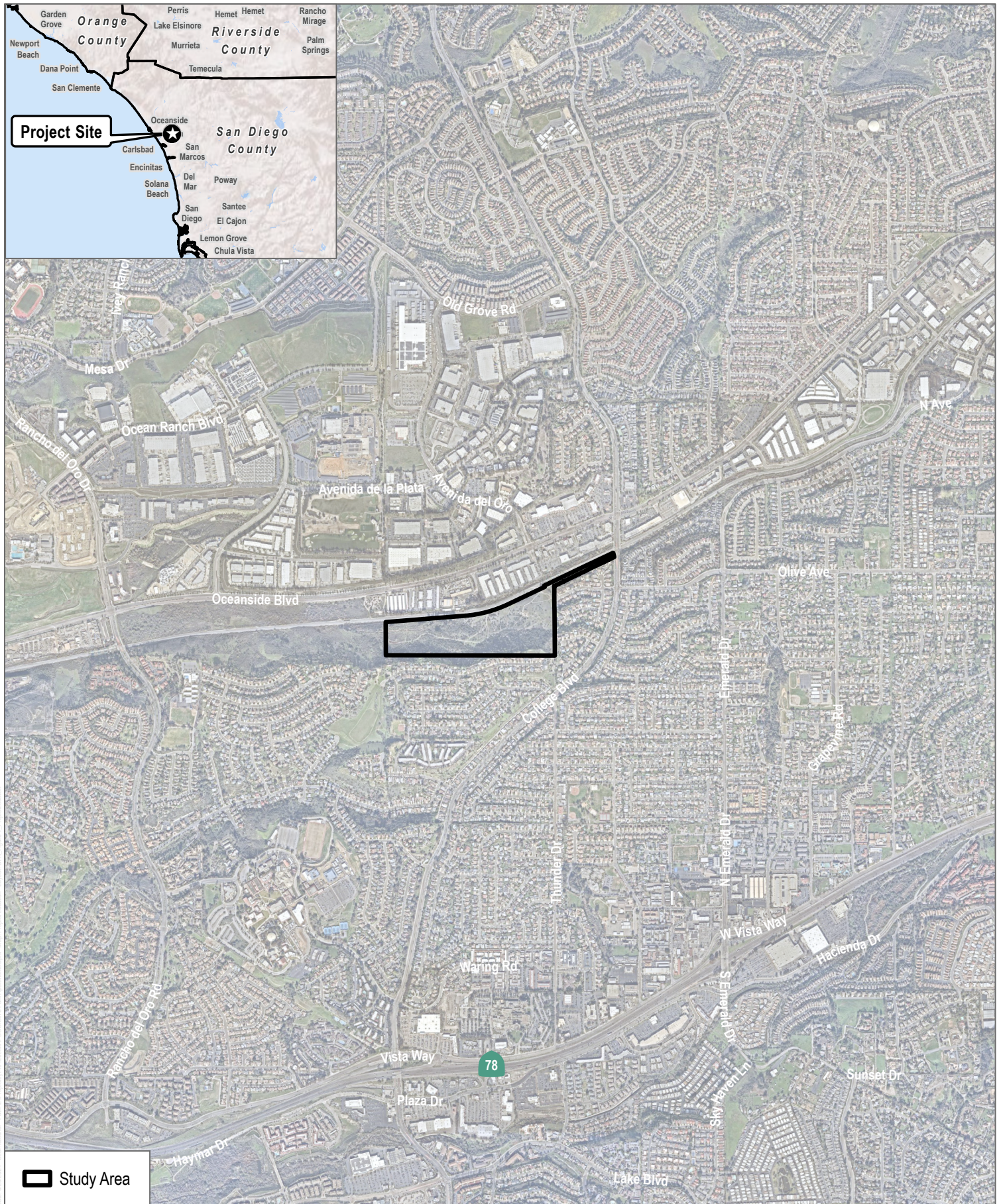
**Signature:** \_\_\_\_\_  
Shannon Vitale, Senior Planner

**Date:** April 19, 2024

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







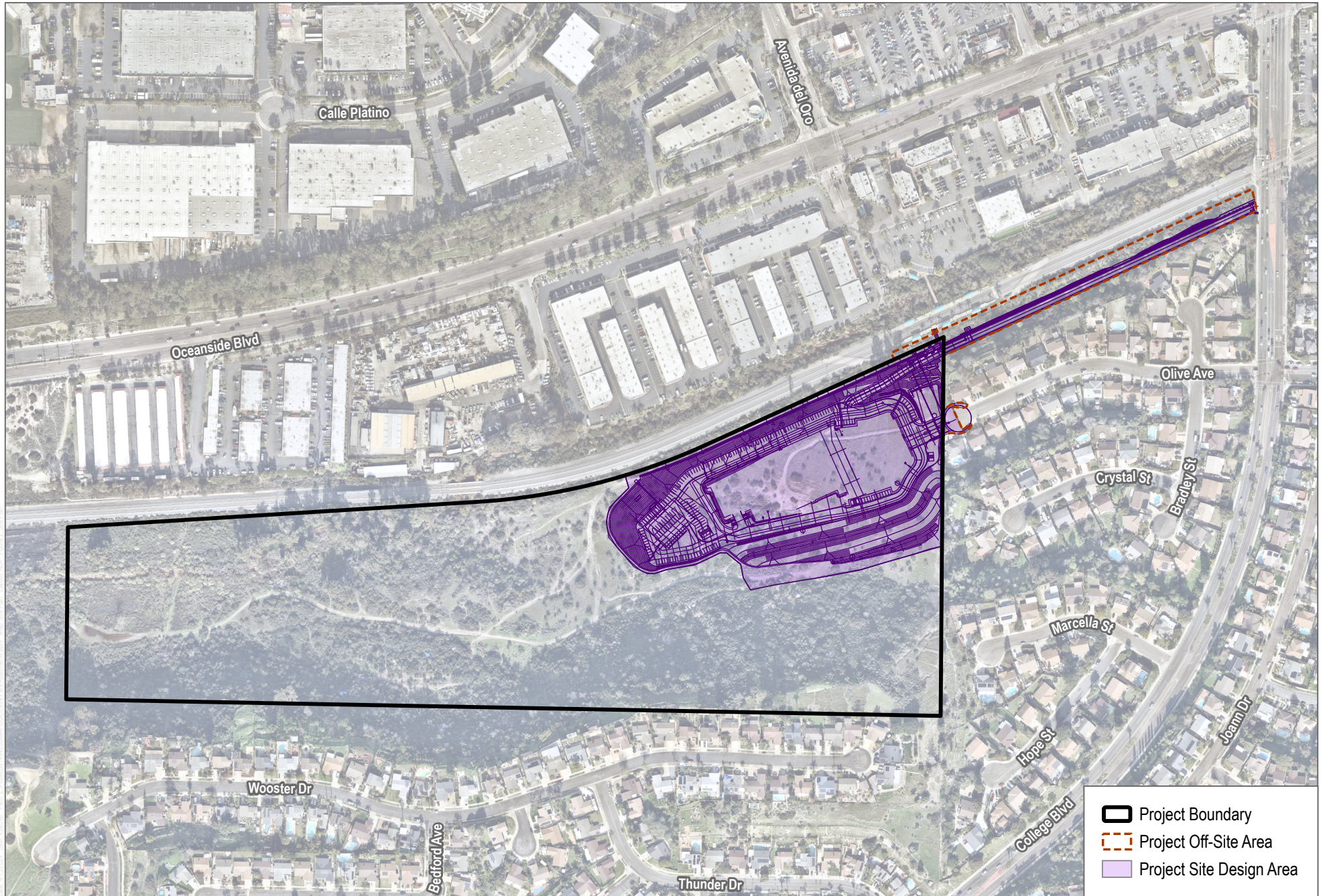
SOURCE: SanGIS 2023

**FIGURE 1**  
**Project Location**  
 Olive Park Apartments









SOURCE: SanGIS 2023

**DUDEK**



0 195 390 Feet

**FIGURE 2**

**Site Plan**

Olive Park Apartments





## California Department of Transportation

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
SAN DIEGO, CA 92110  
(619) 985-1587 | FAX (619) 688-4299 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



May 17, 2024

11-SD -78

PM 3.328

Olive Park Apartments Project  
NOP/SCH#2024040851

Ms. Shannon Vitale  
Senior Planner  
City of Oceanside  
300 N. Coast Hwy  
Oceanside, CA 92057

Dear Ms. Vitale:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation of a Draft Environmental Impact Report (NOP) for the Olive Park Apartments Project located near State Route 78 (SR-78). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the City of Oceanside in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

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.

### **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.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

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



## **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 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 Environmental Document 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 fencing, lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

## **Broadband**

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of GHG emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

## **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 Shannon Aston, LDR Coordinator, at (619) 992-0628 or by e-mail sent to [shannon.aston@dot.ca.gov](mailto:shannon.aston@dot.ca.gov).

Sincerely,

*Kimberly D. Dodson*

KIMBERLY D. DODSON, G.I.S.P.  
Branch Chief  
Local Development 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  
[wildlife.ca.gov](http://wildlife.ca.gov)

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



May 20, 2024

Shannon Vitale  
City of Oceanside  
300 N. Coast Hwy  
Oceanside, CA 92057  
[svitale@oceansideca.org](mailto:svitale@oceansideca.org)

**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OLIVE PARK APARTMENTS PROJECT, SCH NO. 2024040851, SAN DIEGO COUNTY, CA**

Dear Shannon Vitale

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) from the City of Oceanside (City) for the Olive Park Apartments Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates 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, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 (Fish & G. Code, § 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 fish and wildlife resources.

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<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.

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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. As proposed, for example, the Project may be subject to CDFW's 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" as defined by State law<sup>2</sup> 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Oceanside has participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the North County Subregional Multiple Habitat Conservation Program (MHCP). The MHCP was a comprehensive planning document prepared by the San Diego Association of Governments (SANDAG) addressing the cities in north San Diego County, specifically the cities of Oceanside, Carlsbad, Encinitas, Solana Beach, Vista, San Marcos, and Escondido (SANDAG 2003). The MHCP identified critical areas for the conservation of important sensitive species populations to ensure their persistence, core blocks of habitat large enough to support viable populations of diverse sensitive species, and essential areas for connecting between core blocks of habitat. In effect, the MHCP identified critically important biological resources, which if lost to development, would arguably result in significant specific or cumulative impacts within a given jurisdiction and perhaps across the MHCP subregion. Critical areas for conservation in each of the seven jurisdictions were identified as Focused Planning Areas (FPAs). Unfortunately, the Oceanside SAP has not been 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:** City of Oceanside (City)

**Objective:** The objective of the Project is to develop apartment buildings on a 43.5-acre site in the City. The Project impacts will occur on 10.83 acres, and the remaining approximately 32.67 acres will be placed under a conservation easement. Project activities include vegetation removal and building construction.

**Location:** The Project is located south of Oceanside Boulevard and the North County Transit District Rail line, west of College Boulevard. The Project site is located

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<sup>2</sup> "Take" is defined in Section 86 of the Fish and Game Code as, "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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approximately 1.5 miles north of State Route 78. Loma Alta Creek runs along the northern boundary of the Project.

**Biological Setting:** The Project site is currently undeveloped and is directly adjacent to Loma Alta Creek. The NOP does not provide a description of the vegetation types on site, but a search of CDFW's California Natural Diversity Database (CNDDDB) shows that the following sensitive species may occur on site: coastal California gnatcatcher (*Polioptila californica californica*; California Species of Special Concern (SSC), Federal Endangered Species Act (ESA) listed-threatened), least Bell's vireo (*Vireo bellii pusillus*; CESA listed-endangered, ESA listed-endangered), and cliff spurge (*Euphorbia miseria*; California Rare Plant Rank 2B.2).

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

### Specific Comments

- 1) CESA. There may be least Bell's vireo, a CESA-listed species, on site. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements of a CESA ITP.

Given that least Bell's vireo is also a federally listed species, a consistency determination with a USFWS Biological Opinion may be possible. For CDFW to determine that a Biological Opinion is consistent with CESA, it is imperative that CDFW is engaged in the scoping process with the USFWS as early as possible

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(e.g., prior to the issuance of the Biological Opinion). CDFW looks forward to working with the City and the USFWS to see if such a determination is possible.

- 2) USFWS Consultation. CDFW strongly recommends that the City consult with the USFWS regarding impacts to coastal California gnatcatcher and gnatcatcher habitat.
- 3) Conservation Easement. The NOP states that 32.67 acres of the Project site will remain as natural open space and will be placed under a conservation easement. CDFW requests that we be included as third-party beneficiary to this conservation easement.
- 4) NCCP. CDFW understands that the City Council has voted not to adopt the SAP and that they are working on their General Plan Update, which will include provisions from the SAP; however, we recommend following the guidelines set forth in the SAP until the General Plan is approved by the Wildlife Agencies and is finalized.
- 5) Lake and Streambed Alteration. The Project is directly adjacent to Loma Alta Creek, and it is unclear if there will be any impacts to the creek. CDFW has regulatory authority over activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW recommends that the City assess whether notification is appropriate. A Notification package for a LSAA may be obtained by accessing CDFW's web site at <http://www.wildlife.ca.gov/Conservation/LSA>.
- 6) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:

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- 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. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (California Department of Fish and Wildlife, n.d.);
- b. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (California Department of Fish and Wildlife, 2021). Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present;
- c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The [Manual of California Vegetation](#), second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts off site;
- d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. CDFW's [California Natural Diversity Database](#) (CNDDB) should be accessed to obtain current information on any previously reported sensitive species and habitat (California Department of Fish and Wildlife, n.d.). An assessment should include a minimum nine-quadrangle search of the CNDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources. Please see [CNDDB Data Use Guidelines – Why do I need to do this?](#) for additional information (California Department of Fish and Game, 2011);

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- e. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC 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). Specifically, DEIR should address the potential for least Bell's vireo and coastal California gnatcatcher in the Project area. Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) (California Department of Fish and Wildlife, n.d.) for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS. For coastal California gnatcatcher, CDFW recommends the use of the USFWS [Coastal California Gnatcatcher Presence/Absence Protocol](#) (U.S. Fish and Wildlife Service, 2019); and
- f. A recent wildlife and rare plant survey. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). 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. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.

## General Comments

- 1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:



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- a. A complete discussion of the purpose and need for, and description of the proposed Project;
- b. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6); and

- c. Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the watercourse to alter its course of flow.
- 3) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological resources with specific measures to offset such impacts. The DEIR should address the following:
- a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
  - b. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a));

Shannon Vitale  
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- c. A discussion regarding Project-related indirect 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 a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;
  - d. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat (if any) supported by the groundwater. Measures to mitigate such impacts should be included; and
  - e. An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation 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.
- 4) Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have a potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but are not limited to, the biological resources described in this letter.

Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). The City's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the City concludes that the Project would not result in cumulative impacts on biological resources, the City, "shall identify facts and analysis supporting the Lead Agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines section § 15130(a)(2)).

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- 5) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA.
  - a. Level of Detail. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
  - b. Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 6) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant direct and indirect impacts to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring.
- 7) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset 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 endowment should be set aside to provide for long-term management of mitigation lands.

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- 8) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 9) Scientific Collecting Permit. A scientific collecting permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). For more information, please see our website at <https://wildlife.ca.gov/Licensing/Scientific-Collecting>.
- 10) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. Through its Wetlands Resources policy, the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (California Fish and Game Commission, n.d.). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
- a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either

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wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

- b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

11) Use of Native Plants and Trees. CDFW recommends the City require the Project Applicant to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project's location adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#) (California Invasive Plant Council, n.d.). CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make

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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. The CNNDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnnddb/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/cnnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnnddb/plants_and_animals.asp).

To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program. The form and additional information can be found at the following link: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>. The City should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out.

## 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 Brigid Moran, Environmental Scientist, at (858) 354-3527 or [Brigid.Moran@wildlife.ca.gov](mailto:Brigid.Moran@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Victoria Tang  
Environmental Program Manager  
South Coast Region

Shannon Vitale  
City of Oceanside  
May 20, 2024  
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EC: California Department of Fish and Wildlife

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## NATIVE AMERICAN HERITAGE COMMISSION

April 22, 2024

Shannon Vitale  
 City of Oceanside  
 300 North Coast Highway  
 Oceanside CA 92054

**Re: 2024040851, Olive Park Apartments Project, San Diego County**

Dear Ms. Vitale:

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, § 15064 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.**



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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:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - 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:**
- Avoidance and preservation of the resources in place, including, but not limited to:
    - Planning and construction to avoid the resources and protect the cultural and natural context.
    - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - 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:
    - Protecting the cultural character and integrity of the resource.
    - Protecting the traditional use of the resource.
    - Protecting the confidentiality of the resource.
  - 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.
  - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - 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)).
  - 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:
- 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.
  - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - 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 ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) 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:  
[Murphy.Donahue@NAHC.ca.gov](mailto:Murphy.Donahue@NAHC.ca.gov).

Sincerely,

*Murphy Donahue*

Murphy Donahue  
Cultural Resources Analyst

cc: State Clearinghouse

**From:** C B <[soulenjoy@yahoo.com](mailto:soulenjoy@yahoo.com)>

**Sent:** Monday, May 20, 2024 3:47 PM

**To:** Shannon Vitale <[svitale@oceansideca.org](mailto:svitale@oceansideca.org)>; Teala Cotter <[tcotter@oceansideca.org](mailto:tcotter@oceansideca.org)>

**Subject:** OLIVE PARK APARTMENTS - COMMENT CARDS FROM 050924 MEETING

**Warning: External Source**

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Hi Shannon, Ms. Cotter,

Thank you so much,

Cathy Bronzie

4011 Olive Dr

Oceanside, Ca 92056



Send

To:  Shannon Vitale, [tcotter@oceansideca.org](mailto:tcotter@oceansideca.org)

OLIVE PARK APARTMENTS PROJECT COMM



Hi Shannon, Ms. Cotter,

I've attached 3 Comment Cards voicing some of the concerns which definitely need your consideration please. I've added traffic photos as well. These photos were taken when theres minimal traffic.

Of course we all have many questions and concerns in addition to the few I've included. I'm sure we'll receive some answers at the May 23, 2024 at 6:00 p.m. meeting.

Thank you for your time, I look forward to discussing things further,

Thank you,  
Cathy Bronzie  
4011 Olive Drive  
Oceanside, Ca 92056

AA



mail.yahoo.com





## Comment Card

### Olive Park Apartments Project - Scoping Comments for Environmental Impact Report



Page 1 of 3

#### City of Oceanside

Please provide comments related to the proposed project and environmental issues that should be analyzed in the Environmental Impact Report. Comments will be accepted until 5:00 p.m. on Monday May 20, 2024. Please submit written comments to Shannon Vitale at [Svitale@oceanside.org](mailto:Svitale@oceanside.org) ?

Name: Cathy Bronzie

Address: 4011 Olive Dr, Oceanside, CA 92056

Email Address: soulenjoy@yahoo.com

① email address on this comment card distributed @ the meeting May 9, 2024 appears incorrect. Hopefully comments are making their way to you. A deadline extension seems in order please.

② As mentioned during May 9, 2024 meeting - we are in a bird flight path, murders of crows also pass through, ~~owls~~ owls, squirrels, bunnies, coyotes, frogs, even mallards on occasion, call the field home. The morning bird song is my favorite way to start my day. That is part of our community, those animals & more wildlife should not, can not be disturbed



## Comment Card

Olive Park Apartments Project - Scoping Comments for Environmental Impact Report



page 2 of 3

### City of Oceanside

Please provide comments related to the proposed project and environmental issues that should be analyzed in the Environmental Impact Report. Comments will be accepted until 5:00 p.m. on Monday May 20, 2024. Please submit written comments to Shannon Vitale at [SVitale@oceanside.org](mailto:SVitale@oceanside.org)?

Name: Cathy Bronzie

Address: 4011 Olive Dr, Oceanside CA 92056

Email Address: Soulenjoy@yahoo.com

③ Noise + light pollution, as well as vehicle emissions will impact our tranquility + sleep. We already have the Sprinter horns heavy railroad horn multiple times a week, Fire, PD + EMT Ambulance sirens, vehicle horns to avoid being in wrecks @ the Olive Dr + College Blvd. intersections to disrupt our sleep + peace and quiet. Another dramatic increase in cars, headlights + loud music from said additional vehicles is not welcome for our communities peaceful neighborhood.

④ OUR COMMUNITY IS "NO OUTLET" FOR A REASON. WE ALREADY HAVE 4 CUL-DE-SACS WHICH ONLY LEAD OUT TO COLLEGE BLVD. THERE IS NO LEFT TURN LANE DEDICATED TO OLIVE DR. ONTO COLLEGE

Continued

## Comment Card

Olive Park Apartments Project - Scoping Comments for Environmental Impact Report  
City of Oceanside



Please provide comments related to the proposed project and environmental issues that should be analyzed in the Environmental Impact Report. Comments will be accepted until 5:00 p.m. on Monday May 20, 2024. Please submit written comments to Shannon Vitale at [SVitale@oceansideca.org](mailto:SVitale@oceansideca.org)

Name: Cathy Bronzie

Address: 4011 Olive Dr. Oceanside, CA 92056

Email Address: soulenjoy@yahoo.com

*Thank you  
Cathy*

- ④ (continued) BLVD. YET OLIVE AVE. TURNING RIGHT ONTO COLLEGE BLVD. HAS 2 DEDICATED LANES FOR PEDISTRIANS, BICYCLES, AND DRIVERS ON OLIVE DR., INCLUDING TRUCKS, TURNING LEFT IT'S EXTREMELY DANGEROUS. I PERSONALLY HAVE BEEN T-BONED AND TOTALED RIGHT THERE.
- ⑤ THE CITY HAS BEEN ASKED TO REVIEW, HELP! PLEASE DO. THANK YOU IN CASE OF A FIRE, WHICH DEFINATELY HAPPEN, OUR 4 CUL-DE-SACS HAVE JUST THAT OLIVE DR + COLLEGE BLVD. TRAFFIC LIGHT EXIT. EMERGENCY PERSONNEL HAVE ONLY THAT ENTRANCE ACCESS, WHILE WE TRY TO EXIT.
- ⑥ PLEASE SPEND SOME TIME LOOKING AT THE CURRENT HORRIBLE TRAFFIC NIGHTMARES IN EVERY DIRECTION. PLEASE HELP US, NOT ADD TO IT.

















**From:** Chuck Davis <[charlesdavisdesigns@gmail.com](mailto:charlesdavisdesigns@gmail.com)>  
**Sent:** Sunday, May 19, 2024 8:30 PM  
**To:** Shannon Vitale <[svitale@oceansideca.org](mailto:svitale@oceansideca.org)>  
**Subject:** Olive Park Apartments

**Warning: External Source**

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Hello,

I would like to express my opposition to the proposed Olive Park Apartment complex. I live on Crystal Street in the neighborhood that will be most severely affected by the new apartments.

First, I'd like to specifically address the 9 project waivers that will be required in order to proceed with this project:

1) Allow development of a Multiple Unit Structure (MUS) residential unit type

This area is zoned for single family homes and should remain that way because the access road will not be able to support the increased traffic due to increased population density.

2) Reduce Usable Open Space Area

This shows that there will be too many people placed in too small of a space.

3) Increase Retaining Wall Height & Allow Non-Plantable Retaining Wall

A 32' wall is not only dangerous but visually imposing. It's not just a small increase, but over 5 times the regulation height!

4) Hillside Regulation: Grading Limitations (Manufactured Slopes)

For safety and aesthetic concerns, a manufactured slope should not be allowed that is twice the height and length as the regulation.

#### 5) Hillside Regulation: Grading Limitations (Hillside Grading)

The amount of grading necessary for this project is almost twice the limit per acre.

#### 6) Hillside Regulation: Grading Limitations (Topographical Features) Hillside Regulation: Building Design

For safety and stability of the land, the grading limitations should not be dismissed.

#### 7) Hillside Regulation: Visible Bulk (Building Wall Offsets)

The views from the houses above will be significantly affected, reducing property values.

#### 8) Hillside Regulation: Visible Bulk (Roof Plane Area)

Same issue as above.

I also have a several other concerns about how this project will affect our neighborhood:

1. Traffic – The corner of Olive and College is already extremely impacted throughout most of the day. Due to the cars turning from Olive to College, it is virtually impossible and very dangerous to turn left onto College from the neighborhood. The cars also back up onto college so that it takes several cycles of the light to turn left into our neighborhood. The addition of 282 units with likely multiple cars per unit would potentially quadruple the number of cars trying to access that intersection from our neighborhood.
2. Parking – Due to the affordable housing status of this development, the number of parking spaces required is reduced. That means that cars from the complex will spill over onto Olive and the surrounding streets.

3. Public Transportation – It is proposed that the residents will be expected to use the Sprinter to commute. Each day when I watch the train go by there are always fewer than 3-4 people riding at a time. It is highly unlikely that people will change their commuting habits due to one apartment complex.
4. Crime – Due to the homeless population that has already occupied the proposed site, the crime in our neighborhood has already increased. We've caught people on our cameras attempting to break into our vehicles, our neighbor's vehicle was stolen and people have been seen taking drugs in and around our streets. If the affordable housing in Carlsbad has taught us anything it is that it will get much worse if this development goes through. Please reference the San Diego Tribune article: <https://www.sandiegouniontribune.com/communities/north-county/carlsbad/story/2024-03-10/carlsbad-residents-want-low-income-windsor-pointe-apartments-moved-or-shut-down>
5. Environmental – Having moved down from the Los Angeles area where practically every square foot is paved over, one of the things I like most about the Oceanside area that we live in is that there is still some natural land that has been unspoiled by people. Please don't destroy wildlife habitat just to add more concrete and asphalt.
6. Unsuitable for building – Four times before it has been proposed to develop this land in the past and all four times it was determined that this land is not suitable for building due to soil and other environmental factors. What makes this proposal any different than the previous ones?
7. Alternative Sites – Although I acknowledge the need for affordable housing to address the current housing crisis, it's my understanding that there are other alternative site along the Sprinter line that are being proposed that would not impact existing residents in such a negative way. Please consider those alternatives.

Thank you,

Charles Davis

Concerned Oceanside Resident

**From:** Diane Nygaard <[dnygaard3@gmail.com](mailto:dnygaard3@gmail.com)>  
**Sent:** Friday, May 17, 2024 4:47 PM  
**To:** Shannon Vitale <[SVitale@oceansideca.org](mailto:SVitale@oceansideca.org)>  
**Subject:** Comments on Olive Park Apartment NOP

**Warning: External Source**

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Hi Shannon

We recognize that this is a 100% affordable project which is a high priority need in our city. We hope that further improvements can be made so that it becomes a project that actually results in a net benefit to our community.

Please reply to confirm timely receipt of these comments submitted on behalf of Preserve Calavera.

We have the following comments on the NOP for Olive Park Apartments:

- RDO interchange

When the existing Circulation Element(CE) of the General Plan was adopted it was with council direction that the next update would remove a potential future interchange at Rancho del Oro and # 78. So although the CE shows it as a proposed project, the intent was to remove it with the GPU that is now in process. The traffic study should include analysis both with and without this potential interchange.

- Sprinter/NCTD service impacts on traffic

Access from Olive to College already experiences intermittent delays from Sprinter service. These impacts would increase with increased service frequency as is proposed in the Regional Transportation Plan. The traffic study needs to consider how these NCTD service changes will impact access to the project, traffic, and emergency access.

- Status of prior illegal habitat take mitigation

Section 5.4 Corrective Actions on page 5-47 of the Oceanside Subarea Habitat Conservation Plan (SAP) identifies corrective action needed for unauthorized habitat take on approximately 18 acres of CSS south of Loma Alta Creek west of the terminus of Olive Dr. It is unclear how this 18 acres relates to the boundary for this project and what if any mitigation was done. We also note that per WLA guidelines illegal habitat takes are to be mitigated at 5 x the ratio required for a permitted take. Since this is identified as occupied CSS this should therefore have been a 15:1 mitigation ratio.

On site inspection of the does not indicate that this mitigation occurred on site. Since this represents baseline conditions there needs to be a full explanation as to what mitigation occurred and how this has been factored into the current proposal for habitat conservation.

- Full compliance with provisions of SAP

The project site is part of the Off-site Mitigation Zone identified in the SAP which requires mitigation within the WCPZ or within a Pre-approved mitigation area. It appears that the project proposes to mitigate on site which is not consistent with the SAP. If the project is proposing hardline habitat preservation on site then it will also need to comply with numerous other provisions of the SAP including buffers and edge effect conditions.

The EIR analysis would need to provide full analysis of SAP compliance and justify any deviations from those requirements as being of equal biological value.

- Compliance with Loma Alta Watershed Management Plan

This plan that was written over 20 years ago often gets overlooked. This area remains an impaired waterbody and is the only sub-watershed in Oceanside that has completed such a plan that identifies conditions and proposes corrective action. The DEIR needs to review compliance with that plan, as well as more recent requirements related to water quality in this impaired watershed.

- Clarification of this being a "smart growth" project

While it would appear the project site is close to the Sprinter station, in fact the actual travel route for bike or pedestrians to reach the Sprinter station is far greater than 1/4 mile. The DEIR needs to evaluate the existing pedestrian/bicycle route to access the Sprinter station and propose improvements both within and outside the project boundaries to facilitate access.

- Emergency evacuation time study

We appreciate that the project proposes a secondary access for emergency response. But it does not appear that would provide any benefit for evacuation by residents. Large projects like this with essentially only one way in/out for residents need to fully evaluate the impact on evacuations- especially since access is off of a cul-de-sac road that also provides only one way in and out.

Thank you for considering these comments.

Diane Nygaard

On Behalf of Preserve Calavera

i



- ⑤ Add to all this the September 2024 opening of Front Wave arena V with a seating capacity of 7,500. Then even out of area cars will be coming in from Route 78 and 76 to see sports and musical events.
- ⑥ The congestion on streets then will become so great that Safety Factors will be broken.
- ⑦ Firetrucks and ambulances will be unable to get through and dire situations will with death and destruction following.
- ⑧ Air quality due to gas emissions will increase to unhealthy levels.
- ⑨ Geology and soils reports are negative for such an immense project being built on this land.

## Comment Card

Olive Park Apartments Project  
 Scoping Comments for Environmental  
 Impact Report  
 City of Oceanside

Name: Linda Fletcher-Evans  
 Address: 4152 Marcella Street  
 Oceanside, CA. 92056  
 Email: geminilfe@yahoo.com

- ① Is Single Family Residential with numerous negative environmental effects.
- ② Increase noise from people and cars.
- ③ Increase population and housing leading to transportation by cars.
- ④ This increase by cars will lead to immense congestion on roads such as College Blvd, Oceanside Blvd, Vista Way and all streets leading on to these major Roadways.

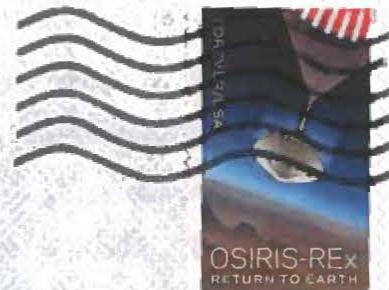




R. Fletcher-Evanz  
4152 Marcella Street  
Oceanside, CA 92056

SAN DIEGO CA 920

15 MAY 2024 PM 5 L



Development Services Department  
Attn: Shannon Vitale Senior Planner  
300 N. Coast Highway  
Oceanside, CA.  
92057

92054-282400





**From:** John Hodgson <[johnstewarthodgson@gmail.com](mailto:johnstewarthodgson@gmail.com)>  
**Sent:** Monday, May 13, 2024 10:12 AM  
**To:** Shannon Vitale <[SVitale@oceansideca.org](mailto:SVitale@oceansideca.org)>  
**Subject:** Olive Park Apartments Project - Memo

**Warning: External Source**

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Hi Shannon: I enjoyed the meeting we had last week (09MAY24) at the El Corazon Events Center regarding the preparation of the EIR. I look forward to the next meeting scheduled Thursday, May 23, 2024.

I have attached a document in memo format that discusses my concerns, suggestions and questions regarding the project. Please see attached. I have added the attached to the bottom of this email for your convenience.

Olive Park Apartments Project - John Hodgson Memo 050924

Memorandum

To: City of Oceanside, Development Services Department / Planning Division  
From: John Hodgson, 4034 Olive Drive, Oceanside, CA 92056  
Date: May 9, 2024  
Subject: Olive Park Apartments Project – Resident Concerns

Purpose: My name is John Hodgson. I live at 4034 Olive Drive, Oceanside CA, on the main street that is currently planned as the access and exit for the Olive Park Apartments Project. I've prepared this memorandum to summarize my concerns and suggestions for the project.

1. Character Change Concerns: The Olive Park Apartments Project is a very poor fit for the existing character of the single-family residences (62 single-family residences) located along the entrance to the project. The project does not match the density and scale to the surrounding area. The Apartments will be a 4-story building which is out of character for the area.

Alternate Site Suggestion: The project would be a better character fit if built on the North side of Oceanside Blvd along Ranch Del Oro Road where there are existing 4-story motels, the FrontWave Arena, and 3-story condominiums are currently going up. This area West of the proposed Olive Drive site would be able to handle the additional traffic contributed by the apartment project, and the current infrastructure in that area would support the spirit of the State of California Density Bonus Law and access to the Rancho Del Oro NCTD Sprinter Station.

2. Traffic Congestion Concerns: The proposed project will significantly worsen traffic congestion during peak hours. The existing single exit from the project on Olive Drive to College Blvd is saturated during peak traffic hours in the morning and afternoon. Currently, there is not a right-of-way while making a left turn out of Olive Drive onto College Blvd. This is a crucial left-hand turn on the only proposed exit to leave the area.

3. No Alternate Project Exit to Oceanside Blvd is Proposed: There are no proposed plans to create an alternate exit from the project to Oceanside Blvd. The current exit on Olive Drive to College Blvd is already saturated and congested during peak hours.

4. Parking Solutions: Will the project provide sufficient parking for residents and visitors? How many parking places are proposed for the “below grade” parking? There are concerns the overflow parking will flow on to the surrounding neighborhood streets.

Summary: For the reasons described above - I believe the current proposed location of the Olive Park Apartments is unacceptable and should be relocated to the Ranch Del Oro Road area where other 4-story and 3-story buildings and the FrontWave Sports Arena is located.



**From:** Kelly Backus <[kellybackus@sbcglobal.net](mailto:kellybackus@sbcglobal.net)>

**Sent:** Wednesday, September 18, 2024 2:20 PM

**To:** Ryan Keim <[rkeim@oceansideca.org](mailto:rkeim@oceansideca.org)>; Peter Weiss <[pweiss@oceansideca.org](mailto:pweiss@oceansideca.org)>;  
[enjoyce@oceansideca.org](mailto:enjoyce@oceansideca.org); Ryan Robinson <[rrobinson@oceansideca.org](mailto:rrobinson@oceansideca.org)>; Shannon Vitale  
<[svitale@oceansideca.org](mailto:svitale@oceansideca.org)>; Esther Sanchez <[esanchez@oceansideca.org](mailto:esanchez@oceansideca.org)>

**Subject:** Olive Park Apartments Project

**Warning: External Source**

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Good afternoon Mayor, Council Members, and Senior Planner,

I was born in Oceanside in 1958, on La Salina Place, a cul-de-sac. As a child I enjoyed growing up in a secluded neighborhood. We knew everyone on the street, all the yards were beautiful, we helped each other, and it was safe. When my husband and I brought our first and only home in 1995, we wanted a cul-de-sac for the same reasons. We purchased a home at 4138 Crystal St, Oceanside 92056, still live here, enjoy the beautiful yards, helpful and quite neighbors. We did have to adjust to the traffic sounds from Oceanside Blvd, but this was doable and achieved.

**What is not doable and achievable is making Olive on the West end a thorough fare for the following reasons:**

Safety for ER services.

Increased traffic on College Blvd which the current traffic lights are not handling efficiently.

Increase traffic in a group of 4 cul-de-sacs. It is not unusual to wait through 2-3 traffic light cycles for us to be able to make a left turn from Olive to Oceanside Blvd North.

Increased drug traffic.

Increased noise disturbance, **especially at night!**

Loss of endangered species of Loma Alta Creek. I enjoy many bird species in my yard. It would be a great loss of peace to loss any species.

Cheaper home values.

Increase Pollution.

Create safety issues all around, **especially for the children in the 4 cul-de-sacs.**

Opening a thorough fare in our neighborhood which is directly next door to the train station is asking for the crimes to run through our neighborhood which is unjustified.

Our strong home purchase decision was due to the neighborhood layout of 4 cul-de-sac's group of homes. Living in our home since 1995, we have stopped 3 attempted break ins, of which one person was caught with drugs, and the killing of our dog in our backyard to attempt a 4th break in. Opening up this neighborhood will only increase the crime we have already experienced.

**Please vote NO on the Olive Park Apartments project.**

Please find another location suitable for apartments, and not destroy a long-lived neighborhoods peace to do so. Our houses are a neighborhood of single-family homes **which were originally purchased as such because no apartments were in the vicinity.**

If you vote YES you will destroy our way of living, which will be a horrible decision on your long term and native Oceanside residents.

**We shudder at the thought of 282 units with 335 parking spaces forced onto our neighborhood. This is simply wrong. You would not approve this project if you lived here.**

Respectfully,

Chet and Kelly Backus

**From:** Kevin Reed <[kevinandliz@icloud.com](mailto:kevinandliz@icloud.com)>

**Sent:** Monday, May 13, 2024 9:00 AM

**To:** Shannon Vitale <[svitale@oceansideca.org](mailto:svitale@oceansideca.org)>; Teala Cotter <[tcotter@oceansideca.org](mailto:tcotter@oceansideca.org)>

**Subject:** Olive Park Apartments brings anxiety!

Warning: External Source

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Good morning Shannon,

It was a pleasure to meet you in person at last Thursday night's meeting. I have attached two photos, one at Olive Drive looking East at the intersection of College Blvd. and one looking south on College Blvd. at approximately the same time of the afternoon that I gave you.









These photos are typical what you would see during rush hour and on weekends. I have lived on Crystal Street near College Blvd. for almost 40 years and like other families in this neighborhood saw the extension of College Blvd. going North with the development of Rancho Del Oro houses and commercial property without any upgrades for the escalating growth in traffic on College Blvd. over the decades and now with opening of the Frontwave Arena brings thousands of more vehicles into our neighborhood during the busiest time of day.

With College Blvd being the only South/ North road connecting Hwy 78 to Hwy 76 in Oceanside (the promise of Melrose being connected never happened), it has become congested to an extreme traffic bottleneck at College Blvd and Oceandide Blvd. The Sprinter crossing also adds to our neighbor's frustration as when it goes across College Blvd all northbound traffic stops and we get stuck in the middle of the road trying to turn left while the light turns green for other drivers.

We need the traffic light going East on Olive Drive to be green only for our neighborhood and a NO Right Turn on Red sign for going West from Olive Drive to College Blvd. because these two right-hand turn lanes of traffic constantly are turning right on the only two lanes currently on College Blvd. and block us as we have a green light to turn left. This issue needs to be fixed ASAP due to countless vehicle accidents ( both of my neighbors to the left and right of my house have been in two accidents do to this intersection nightmare. Please run a traffic incident report and a traffic



count of vehicles at this intersection to get a better understanding.

At the meeting, I think you could feel the anxiety of my neighborhood concerning why we feel that the Olive Park Apartments are not a good fit for this single-family zoned area of Oceanside.

The photo below is of the Skye Apartments near the intersection of Oceanside Blvd and Melrose Blvd Sprinter Station, built with 2 permitted parking spots for each apartment (the same goes for the Preserve @ Melrose and Club Island apartments also nearby). As you can see any additional vehicles need to park on a daily basis near the street outside the development. I also noted the Spinter stations are almost empty anytime of day in all three locations near my neighborhood.

If the City of Oceanside justifies the Olive Park Apartments a permit to build 335 parking spaces with even the smaller choice "B" of 260 units which equals 1.3 vehicles per unit. We feel any additional vehicles will be parked in our small neighborhood. Given that the builder is "not regulated to provide parking minimums under SDBL", and given the track record of three other nearby apartment complexes that makes renters park outside their development, it's no wonder our single-family zoned homeowners have anxiety over this project, wouldn't anybody in the Planning Department or the City Council if they live in my neighborhood?



100% Affordable Housing Developments needs to be built, but not on the end of Olive Dr, it's like putting a square peg in a round hole, it just doesn't fit! Builders can choose a better-fitting location near Rancho Del Oro Blvd. Sprinter station with a shopping center at the corner of Oceanside Blvd.

I appreciate your time and understanding in planning for a better smart future in Oceanside.

Sent from Kevin's iphone.

**From:** M Poach <[poachm@gmail.com](mailto:poachm@gmail.com)>

**Sent:** Friday, May 17, 2024 4:35 PM

**To:** Shannon Vitale <[SVitale@oceansideca.org](mailto:SVitale@oceansideca.org)>; Teala Cotter <[Tcotter@oceansideca.org](mailto:Tcotter@oceansideca.org)>;  
[dan@lightfootpg.com](mailto:dan@lightfootpg.com); City Council <[Council@oceansideca.org](mailto:Council@oceansideca.org)>; Esther Sanchez  
<[esanchez@oceansideca.org](mailto:esanchez@oceansideca.org)>

**Cc:** [soulenjoy@yahoo.com](mailto:soulenjoy@yahoo.com)

**Subject:** Olive Park Apartments Petition- Keep Olive Dr Cul-De-Sac Closed

**Warning: External Source**

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Hi All,

I hope this email finds you well. My name is Marco Poach, and I am a resident off of Olive Dr. On behalf of the undersigned residents and concerned community members, I am writing to present a petition regarding the proposed Olive Park Apartments development and the associated plan to open the cul-de-sac on Olive Drive.

Please find our attached signed petition, which reflects the strong concerns of our community. We believe opening the cul-de-sac on Olive Drive to accommodate the new development will lead to increased traffic congestion, safety hazards, and disruption of our neighborhood's character and tranquility.

We believe that preserving the current cul-de-sac and establishing an alternative entrance will better serve the needs and interests of our community. We urge the developers and relevant authorities to explore alternative options for access to the development site, including establishing a new entrance via Oceanside Blvd that minimizes disruption to existing residential streets and helps mitigate congestion on College Avenue.

We respectfully request your consideration of our petition and look forward to the opportunity to discuss our concerns and potential solutions further.

Thank you for your time and attention to this important matter. We look forward to your response.

Thanks,

Marco Poach



## **Petition to Keep Olive Dr Cul-de-Sac Closed and Create a New Entrance for Olive Park Apartments Development**

We, the undersigned residents and concerned community members of our neighborhood, hereby petition against the proposed opening of a cul-de-sac on Olive Dr and advocate for the creation of a new entrance for the Olive Park Apartments development. We believe that preserving the current cul-de-sac and establishing an alternative entrance will better serve the needs and interests of our community while minimizing potential negative impacts.

### **Reasons for Petition:**

- 1. Preservation of Neighborhood Character:** The existing cul-de-sac on Olive Drive contributes to the character and safety of our neighborhood. Opening it up to a new development will lead to increased congestion, noise, traffic, and safety concerns for residents, particularly children and pedestrians.
- 2. Traffic Management:** The addition of a new entrance for the Olive Park Apartments development through Oceanside Blvd can help distribute traffic more evenly and prevent congestion in the surrounding area. This alternative solution would alleviate potential traffic-related issues and maintain the flow of traffic on Olive Drive, while also mitigating congestion on College Avenue.
- 3. Community Safety:** Keeping the cul-de-sac closed promotes a safer environment for residents by reducing the risk of accidents, speeding vehicles, and unauthorized access to residential streets.
- 4. Minimization of Disruption:** Opening the cul-de-sac for a new development of 260 or 282 units would introduce significant disruption to the daily lives of current residents. The influx of additional residents and vehicles will lead to overcrowding, noise pollution, and decreased privacy for existing homeowners. By maintaining the cul-de-sac closed, we can minimize disruption and preserve the tranquility of our neighborhood for all residents.
- 5. Parking Concerns:** Introducing a large development of 260 or 282 units with only 335 parking spots will exacerbate parking issues in the neighborhood. Parking availability will lead to overflow onto residential streets, obstructing traffic flow and creating inconvenience for both residents and visitors. Maintaining the cul-de-sac closed and creating a new entrance would help mitigate parking-related challenges and ensure the continued accessibility and functionality of our neighborhood streets.

### **\*\*We, the undersigned, therefore petition for the following actions:\*\***

- 1. Maintain the closure of the current cul-de-sac on Olive Drive:** We request that the cul-de-sac remain closed to preserve neighborhood safety and character.
- 2. Create a new entrance for the Olive Park Apartments development via Oceanside Blvd:** We urge the developers and relevant authorities to explore alternative options for access to the development site, including the establishment of a new entrance via Oceanside Blvd that minimizes disruption to existing residential streets and helps mitigate congestion on College Avenue.

| Name (Printed)       | Signature            | Address                        | Date        |
|----------------------|----------------------|--------------------------------|-------------|
| Marco Poch           | m Poch               | 4019 Olive Dr                  | 07 May 2024 |
| Catherine Bronzie    | Catherine            | 4011 Olive Dr                  | 05/07/24    |
| JoAnn Martinez       | JoAnn Martinez       | 4014 Olive Dr.                 | 05/07/24    |
| Veronica Molina      | Veronica Molina      | 4014 Olive Dr.                 | 05-07-24    |
| Evun Martinez        | Evun M.              | 4014 Olive Dr.                 | 05/07/24    |
| Bing & Laura A' Howe | Bing & Laura A' Howe | 4018 Olive Dr.<br>Oceanside CA | 5/7/24      |
| Alexandro Salgado    | Alexandro Salgado    | 4027 Olive Drive               | 5/7/24      |
| David M. Heller      | DAVID M. HELLER      | 4030 OLIVE DRIVE               | 05/7/24     |
| John Hodgson         | John Hodgson         | 4034 Olive Drive               | 5/7/24      |
| Jamie Baird          | Jamie Baird          | 4038 Olive Drive               | 5/7-24      |
| Ester O. Jimenez     | Ester O. Jimenez     | 4039 Olive Drive               | 5/7/24      |
| Meg Fung             | Meg Fung             | 4039 Olive Drive               | 5/7/24      |
| Megan Ley            | Meg Ley              | 4046 Olive Drive               | 5/7/24      |
| Carol Ley            | Carol Ley            | 4046 Olive Drive               | 5/7/24      |
| David J. McCarthy    | David J. McCarthy    | 4055 Olive Drive               | 5/7/24      |
| Lina Yin             | Lina Yin             | 4055 Olive Drive               | 5/7/24      |

| Name (Printed)     | Signature          | Address                                    | Date     |
|--------------------|--------------------|--|----------|
| Angela Clayton     | Angela Clayton     | 2510 Bradley Street<br>Oceanside, CA 92054 | 05.07.24 |
| John               | John               | " "  | "        |
| KEVIN LEBLANC      | Kevin LeBlanc      | 2518 Bradley St<br>Oceanside CA 92056      | 5/7/24   |
| Nicholas Hollander | Nicholas Hollander | 2518 Bradley St<br>Oceanside CA 92056      | 5/7/2024 |
| Karen J. Switzer   | Karen J. Switzer   | 2522 Bradley St<br>Oceanside CA            | 5/7/2024 |
| NEIL SWITZER       | Neil Switzer       | 2522 BRADLEY ST<br>OCEANSIDE CA 92056      | 5/7/24   |
| Stacey Kirk        | Stacey Kirk        | 2534 Bradley St<br>Oceanside CA 92056      | 5/7/24   |
| Kenton Kirk        | Kenton Kirk        | " "  | 5/7/24   |
| Pan Kirk           | Pan Kirk           | " "  | 5/7/24   |
| Dean Dunlop        | Dean Dunlop        | 2542<br>Bradley St. 92056                  | 5/7/24   |
| Jan Phillips       | Jan Phillips       | 4134<br>Crystal St 92056                   | 5/7/24   |
| ROBERTO REYES      | Roberto Reyes      | 4131<br>Crystal St. 92056                  | 5/7/24   |
| Joan Ingwersen     | Joan Ingwersen     | 4131<br>Crystal St. 92056                  | 5/7/24   |
| Chanel Boyer       | Chanel Boyer       | 4131 Crystal St.<br>92056                  | 5/7/24   |
| COLT LITTLE        | Colt Little        | 760-519-1910                               | 5/7/24   |
| Tom Gans           | Tom Gans           | 4113<br>Crystal St                         | 5/7/24   |

| Name (Printed)  | Signature       | Address                                 | Date     |
|-----------------|-----------------|---|----------|
| Kelly Backus    | Kelly Backus    | 4138 Crystal St<br>Oceanside, CA 92056  | 5-7-2024 |
| Shannon Nares   | Shannon Nares   | 2517 Bradley St<br>Oceanside, CA 92056  | 5-7-2024 |
| Andrew Felix    | Andrew Felix    | 2477 Bradley St.<br>Oceanside, CA 92056 | 5-7-2024 |
| Mandy Felix     | Mandy Felix     | 2477 Bradley St<br>Oceanside, CA 92056  | 5/7/24   |
| Kerry Singleton | Kerry Singleton | 2478 Bradley St<br>Oceanside 92056      | 5/7/24   |
| CARLOS HOLGUIN  | Carlos Holguin  | 4010 OLIVE DR.<br>O'SIDE CA 92056       | 5-7-24   |
| Lydia Gladney   | Lydia Gladney   | 4015 Olive Drive<br>Oceanside, CA       | 5-7-24   |
| DEBORAH SAXON   | Deborah Saxon   | 4015 Olive Drive<br>Oceanside, CA 92056 | 5-7-24   |
| Leticia Torres  | Leticia Torres  | 4010 Olive Dr. Oceanside<br>92056       | 5/7/24   |
| NATALIE DAGGETT | Natalie Daggett | 955 N. Emerald dr.                      | 5/7/24   |
| PAUL BERTTIS    | Paul Berttis    | 11047 OLIVE                             | 5/7/24   |
| CHARLES DAVIS   | Charles Davis   | 4135 Crystal St                         | 5/9/24   |
| Kathleen Davis  | Kathleen Davis  | 4135 Crystal St                         | 5/9/24   |
| Kyle Davis      | Kyle Davis      | 4135 Crystal St                         | 5/9/24   |
| Kent Franke     | Kent Franke     | 2638 Hope St                            | 5/9/24   |
| Susan FRANKO    | Susan Franke    | 2638 Hope St                            | 5/9/24   |





## Comment Card

### Olive Park Apartments Project - Scoping Comments for Environmental Impact Report



#### City of Oceanside

Please provide comments related to the proposed project and environmental issues that should be analyzed in the Environmental Impact Report. Comments will be accepted until 5:00 p.m. on Monday May 20, 2024. Please submit written comments to Shannon Vitale at [Svitale@oceanside.org](mailto:Svitale@oceanside.org)

Name: Toni Ward

Address: 2486 Bradley St

Email Address: misstonid@hotmail.com

The habitat of hawks and eagles will be disturbed will the increase of traffic and the destruction of their homes. Vehicle traffic will increase exponentially. I live on the bottom of Bradley St cul de sac and we don't have a stop sign or light coming out of my neighborhood onto Olive St. It is a safety hazard making a left turn left from Olive to College Blvd. There is no lead left turn arrow to turn left.

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Name: Wendy Lamb

Address: 4150 Bryan St. Oceanside

Email Address: Wglamb@gmail.com

- Traffic @ Olive Dr + College will be negatively impacted by this project

## Comment Card

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Name: Kerry Singleton 760-941-9575

Address: 2478 Bradley St 92054

Email Address: Babb55321@gmail.com

The traffic on olive will increase tremendously at current the left turn from west fast bound olive on to college at heavy traffic time is difficult at best, in possible worst. This is an unprotected turn and traffic just make it worse.

The fire hazard of high density housing with only 1 egress is abhorring. The obvious first egress would be outside stair.

One final concern is the potential for increased crime in the area. High density housing usually equated to increased crime.

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Name: BRENDA J. OLSEN

Address: 4434 CHASIN ST, OCEANSIDE 92056

Email Address: OLSENBJ@ATT.NET

THE AREA IS ALREADY IMPACTED BY THE BUSINESS PARK (GENETECH FOLDX), MIRA COSTA COLLEGE, THE NEW FRONTAVILLE PARKING, TO INCLUDE THE NEW HOUSING DEV AT THE AREA SITE. TRAFFIC IS HORRIFIC.

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Name: Bern Barnum

Address: 2717 Barbara Lane

Email Address: \_\_\_\_\_

- Traffic
- is it truly low income housing?
- Fire - Who will insure this property? I already have a hard time finding an insurer.



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Name: Shannon Nares

Address: 2517 Bradley Oside

Email Address: Beeba85@aol.com

- There are numerous issues, anyone that has tried to drive through the college/olive intersection knows its a traffic nightmare.
- Id like to know how the federal, state mandated low income is affecting this development.
- There needs to be another exit other than the olive/college intersection
- This area is designated single family housing

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Name: Kyle Davis

Address: 4135 Crystal St

Email Address: kyle@d4davis.com

This has gone too far already. This meeting was  
superfluous, this project should never have gotten to this  
point, and needs to be canned immediately.

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Name: DAVID J GESHAY

Address: 4055 OLIVE DRIVE

Email Address: dgeshay@gmail.com

TRAFFIC IS A DISASTER RIGHT NOW, AND ELIMINATING THE CUL-DE-SAC  
WOULD ADD TO THE DISASTER. I AM SERIOUSLY OPPOSED TO ANY MORE TRAFFIC  
ON OLIVE DR. CONSIDER AN OUTLET OTHER THAN OLIVE DRIVE AND  
I MIGHT BE OK WITH IT, IF THE PARKING IS ADEQUATE  
DON'T FORGET THE PROBLEMS ON OTHER SIDE OF CUL-DE-SAC. →

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Name: Aaron Sell

Address: 2523 Bradley St.

Email Address: Aaronssell@yahoo.com

- Noise pollution - Music, CARS, potential ~~construction~~ construction
- Traffic - This will impact transit times tremendously  
Safety will be impacted during an emergency.
- Crime - Statistics of crime in report for  
project. Affordable/Low income housing.



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Name: SUSAN FRANK

Address: 2638 HOPE ST.

Email Address: susanfrank47@yahoo.com

- ① Increase in cars with Olive as the only access?
- ② Soil has been tested in years past - said is unstable
- ③ Ecosystem of this area displaced and destroyed
- ④ 282 units - all those additional residents drain on public services, schools, hospital, etc.
- ⑤ Liability issues for pedestrians
- ⑥ Crime stats escalating
- ⑦ Allowed intention to burden applicants who receive the comments  
How absolutely ridiculous
- ⑧ Fire

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Name: Bruce Anders

Address: 2530 Bradley St.

Email Address: 35ranjin7@hotmail.com

- I hope you're taking all the pushback seriously.
- Concerns: traffic congestion that will increase the existing gridlocks
- Safety: That land is unstable. The City must have official reports not geological reports from prior proposed projects.
- Increased noise and auto pollution.
- Decreased property values. (Loser)

⑨ Traffic on College is already impassable sometimes  
at early at 2:30 (Lumpu Bunchu)

The assumptions tonight are that the EIR  
is happening regardless. Someone is spending  
a lot of money.

- Who benefits?
- Prospective tenants in the proposed project  
will be as miserable as current residents

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Name: Marco Poach

Address: Poachm@gmail.com 4019 Olive Dr

Email Address: Poachm@gmail.com

Please consider foot traffic because of the new pathway to the Sprinkler.  
Please consider that Olive Dr may become a parking lot for people who  
use the Sprinkler, affecting current neighborhood.

If you decide to move forward with this  
Please create an alternative entrance and fence off us off  
from all of it.

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Name: Kerry Sigleton

Address: 2478 Bradley St 92056 760-941-9575

Email Address: Bubbs54321@gmail.com

This was an environmental meeting. Doesn't that mean protecting  
wild life & such?

How is paving over & ~~devel~~ developing the land protecting wild life?



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Name: John Webber

Address: 1516 Orndorff ST

Email Address: \_\_\_\_\_

Need To Know: who is doing  
the study and when will  
we discuss this matter  
with them

no way will Olive  
Accommodate additional 5 to 6 hundred  
webbers per day coming and  
going

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Name: Angel Clayton

Address: 2510 Bradley Street, 92056

Email Address: angelclayton@gmail.com

The environment needs to be cleaned up & preserved  
Besides the destruction of habitat for multiple species  
of wildlife, insects, rodents, birds added purple wild, noise  
air pollution and potential landslides

Coyotes are everywhere all over neighborhoods already-  
more and more people have lost their pets to coyotes  
Where are the coyotes supposed to live?

I have talked to a number of the homeless at the end  
of Olive & they have no intention of leaving. The police tried  
recently, but they are still there. Where do they go?

**From:** Victor Herrera <[herrervm@yahoo.com](mailto:herrervm@yahoo.com)>

**Sent:** Monday, July 22, 2024 2:25 PM

**To:** Shannon Vitale <[svitale@oceansideca.org](mailto:svitale@oceansideca.org)>

**Cc:** Esther Sanchez <[esanchez@oceansideca.org](mailto:esanchez@oceansideca.org)>; Ryan Keim <[rkeim@oceansideca.org](mailto:rkeim@oceansideca.org)>

**Subject:** Comments on proposed Olive Park Apartments Project

**Warning: External Source**

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Hello,

My name is Victor Herrera and I'm a long time Oceanside resident (since 1982). I recently attended a scoping presentation on May 9, 2024, regarding the proposed Olive Park Apartments Project in my neighborhood.

I would like to re-emphasize my arguments against building this apartment complex off of Olive Drive

1. Increased traffic. As I mentioned above, I've lived here since 1982. When I first moved into the neighborhood the Olive Drive and Oceanside Blvd intersection was a two lane road that didn't required stop signs let alone traffic lights. As the population density increased in the area and traffic became heavier, there were several accidents at the intersection that required a traffic light to be installed. The population has increased since then along with the traffic. It has increased significantly and to a degree that there are traffic backups throughout the day and especially during the afternoon rush hour. I have to use my car multiple times throughout the week and I have to time my errands to minimize my driving in the heavy traffic and sometimes turn in a different direction in order to run my errands.

With the proposed Olive project and only Olive Drive as an entry/exit point, the traffic congestion will get magnitudes worse and make it more difficult to get around. With the increased traffic there will be an increase in accidents (based on vehicle volume}. If this project goes through, there must be another entry/exit point. Perhaps Oceanside Blvd? Rancho Del Oro?

Heavier traffic will also increase the noise in the neighborhood.



There are kids in the neighborhood and one of the nice things about having cul-de-sacs and limited traffic is that kids can feel relatively safe playing and running around. The increased traffic will take that away.

2. Neighborhood house values. The complex will lower our house values.

3. Removal of the homeless. During the meeting, it was mentioned that the homeless would be moved out of the area but it was never mentioned where. Are they going to be moved deeper into the hills and merely pushed out of the way? That doesn't resolve anything. Even if they do get relocated somewhere else, what's preventing them from coming back? For all we know we may eventually get the same number of homeless we have now concentrated in a smaller area and this will create more issues - increase fire danger from their campfires would be one, Sanitation, vagrancy, neighborhood less safe .

4. Police and fire services. Has the city determined the impact with the increase in population density? Additional expenses passed on to the Oceanside residents? Strain the police and fire services? I didn't hear this mentioned in the meeting by the people representing the city.

5. Impact to Loma Alta Creek and natural habitat/vegetation. I like to walk and sometimes I walk along Oceanside Blvd. Along my walk I see signs about protected areas for the vegetation. The project will impact this and I assume it will also impact natural habitat of the local animal species.

I am concerned that the city has not planned and thought this out properly. I believe the project will create issues that were not taken into account and we will be stuck with the problem down the road and we'll end up paying for it (money, safety, lower house values, environmental).

Victor Herrera

2539 Bradley St.

Oceanside, CA 92056



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

**May 20, 2024**

Ms. Shannon Vitale  
Development Services Department  
300 North Coast Highway  
Oceanside, CA 92054

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

**SUBJECT: Comments on Olive Park housing development NOP**

Dear Ms. Vitale:

I am submitting these comments on the NOP for the proposed Olive Park Apartments project on behalf of the Buena Vista Audubon Society. The project involves development of 282 lower income housing units on 43.5 acres near the College Boulevard Sprinter Station. The residents would have easy access to public transportation which would help to limit GHG emissions, as we expect will be documented in the EIR.

To determine impacts on biological resources, the EIR should include an analysis of the following issues.

As Loma Alta Creek is a wetland wildlife corridor that is located along the northern border of the property, what provisions in the development will protect this sensitive habitat? Analysis should provide a buffer zone sufficient to protect the riparian habitat, as well as protective provisions to mitigate direct and indirect impacts ("edge effects") of the development. How will the project comply with the Loma Alta Watershed Management Plan that was put in place to address water quality in this impaired waterway.

Explain why habitat mitigation is not being proposed in the Wildlife Corridor Planning Zone, as required in the Draft SAP. Show how the proposed mitigation is of equal biological value. How will the onsite conserved habitat connect with open space and habitat in the surrounding community? How will the project comply with the "stepping stones" habitat for the California Gnatcatcher described in the Draft SAP?

The EIR should include a clear map of the development footprint, proposed conservation easement on the open space portion of the site, the riparian boundary and buffer zone, and the fire clearance zone. Mitigation of project impacts should require a landscape plan for restoration of native habitat in the easement, and a provision for the long-term management of the easement. The Draft SAP indicates that there was an unauthorized habitat "take" in the past which may have included this project site and may still need to be mitigated. The EIR should determine the boundaries of that "take" and, if on the project site, it should propose mitigation at a ratio commensurate with the fact that the habitat was occupied.

In addition, the project description mentions two buildings, one on the east end and one on the west end, however the diagram provided in the NOP only shows one of these. Please clarify.

Thank you.

Joan Herskowitz  
Member, Conservation Committee  
Buena Vista Audubon Society



550 Hoover St.  
Oceanside CA 92054  
[nadia550@sbcglobal.net](mailto:nadia550@sbcglobal.net)  
760-803-6813

May 19, 2024

City of Oceanside  
Shannon Vitale  
CC: S. Madera  
300 N Coast Hwy  
Oceanside CA 92054

Email: [svitale@oceansideca.org](mailto:svitale@oceansideca.org)  
[smadera@oceansideca.org](mailto:smadera@oceansideca.org)  
cc: City Clerk [znavarro@oceansideca.org](mailto:znavarro@oceansideca.org)

Re: Olive Park Apartments NOP

To whom it may concern,

Thank you for offering us the opportunity to comment on this proposed project. Friends of Loma Alta Creek (Friends) want to ensure all development in the City is appropriate and will not overly impact the natural resources of the area, will significantly contribute to sustainability of the City and complies with existing zoning without imposing significant environmental impacts, including indirect impacts.

At first glance it looks like this could be a good project if it remains Income Restricted as such housing is a definite need in Oceanside. However we have deep concerns with the impact on the area due to the massive size of this project even though a large amount of the parcels is being preserved. We know much of that is due to the topography and sensitive species found on site.

Here are several of our concerns that we would like to see addressed:

**Traffic/Smart Growth/Access:** This project must adequately address traffic issues and the impacts on Olive, College Boulevard and Oceanside Boulevard. Just because it's 'within a ¼ mile' of the College Sprinter Station this does not guarantee all senior residents or even most residents will utilize public transit. It appears that for one to reach the Sprinter one must go out the ingress/egress of the project on Olive, traverse down to College and go East to the station there. We just can't see how one can predict a vast amount of residents using this route. One thing the City has been very remiss on is taking into account actual conditions rather than using a topographically flat radius map to determine proximity to transit. Actual conditions include topography, encounters with traffic by pedestrians/bikes, and frankly taking into account someone taking children or packages on such a route. I encourage the City and the

Comments by Friends of Loma Alta Creek, Ocean Kamp SEIR

developer to do some test runs themselves from the project site to the Sprinter Station carrying several bags of groceries to see how that works out. We do not see that as a realistic, safe route.

Traffic surveys should be made at multiple times for all these intersections, and perhaps more, on weekdays and weekends. In particular the arena at El Corazon and its consequent traffic on Oceanside Boulevard should be included in the analysis. The frequency of the Sprinter line must be thoroughly analyzed and studies must consider the potential for delays with double tracking, emergency vehicles, rush hours etc.

The emergency access needs to be better explained as to how this is a viable secondary route in the event of wildfire. Evacuation time studies should be prepared. It is clear one way in /one way out would not be appropriate for the large number of units proposed in the terrain surrounded by habitat. Wildland/Urban interface creates a huge runaway fire risk.

**Wildlife corridor:** The proposed also appears to have a significant impact on the existing wildlife corridor and breaks up the continuum. It was mentioned in the documentation that the developer is seeking a 40 foot retaining wall. This must be further analyzed as such a structure would definitely interfere with movement on the wildlife corridor.

**Habitat:** Further we understand there have been multiple encampments and cleanups on this property. The studies must reflect the loss of habitat and define where replacement of same will be made at the proper replacement values.

**Biology:** As for the biological studies, we would like to see several comprehensive surveys made on different dates and months to capture the vast diversity that exists in this corridor. It appears there are gnatcatchers among other endangered species in this rich biodiverse corridor whose habitat must be protected.

Also the documents seem to imply that the 100foot environmental buffer will be created 'where practicable.' That is not a negotiable point. If the project needs to shrink its footprint then it must do so to absolutely create the 100 foot buffer.

We hope to see these issues addressed.

Thank you for considering our comments,

Friends of Loma Alta Creek



Nadine L. Scott, Attorney at Law  
Friends of Loma Alta Creek





# San Diego County Archaeological Society, Inc.

Environmental Review Committee

14 May 2024

To: Ms. Shannon Vitale, Senior Planner  
Development Services Department  
City of Oceanside  
300 North Coast Highway  
Oceanside, California 92054

Subject: Notice of Preparation of a Draft Environmental Impact Report  
Olive Park Apartments Project


Dear Ms. Vitale:

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 cultural 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) that has been edited for public distribution.

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

Sincerely,

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

cc: SDCAS President  
File