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# **Appendix M**

## Response to Comments



# Responses to Comments

This appendix to the Final Environmental Impact Report (EIR) for the Olive Park Apartments Project (project) includes a copy of all comment letters that were submitted regarding the Draft EIR (Draft EIR), along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day review period for the Draft EIR began on October 25, 2024, and ended on December 9, 2024.

The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project unrelated to its environmental impacts) are noted for the record. Where text changes in the Draft EIR are warranted based on comments received or updated project information, those changes are noted in the response to the comment and the reader is directed to the Errata, of the Final EIR.

The changes to the analysis contained in the DEIR do not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the DEIR is not required.

All written comment letters received on the DEIR are listed in Table 1. Each of the written comment letters has been assigned an alphanumeric label to facilitate identification and tracking, and the individual comments within each written comment letter are bracketed and numbered (see Table 1). Individual comments and the responses to them were assigned corresponding numbers (e.g., A-1-1, A-1-2, A-1-3). To aid readers and commenters, electronically bracketed comments have been reproduced in this document, with the corresponding responses provided immediately following the comments.

**Table 1. Comments Received on the DEIR**

Comment Letter Designation	Commenter	Date
<b>Agencies</b>		
A-1	Office of Planning and Research – State Clearinghouse	October 25, 2024
A-2	California Department of Fish and Wildlife	November 26, 2024
A-3	U.S. Fish and Wildlife Service	January 2, 2025
<b>Organizations</b>		
O-1	San Diego County Archeological Society	November 15, 2024
O-2	Oceanside Bicycle and Pedestrian Committee	November 26, 2024
O-3	Buena Vista Audubon Society	December 6, 2024
O-4	Sierra Club	December 12, 2024
<b>Individuals</b>		
I-1	Marco Poach	October 25, 2024
I-2	Zoe Erikson	October 27, 2024
I-3	Kelly Backus	October 30, 2024
I-4	Kelly Backus (Repeat Letter)	November 7, 2024
I-5	Kelly Singleton	November 6, 2024
I-6	Tom DeMooy	November 14, 2024
I-7	Tom DeMooy	November 14, 2024

**Table 1. Comments Received on the DEIR**

Comment Letter Designation	Commenter	Date
I-8	Claudia Dunlop	November 25, 2024
I-9	Kathleen Monteiro	November 25, 2024
I-10	Carol Ley	December 2, 2024
I-11	Zoe Erickson	December 8, 2024
I-12	Brian Serafini	December 7, 2024
I-13	Mike Blankers	December 9, 2024
I-14	Kenneth Mischitelli	December 9, 2024
I-15	Carol Ley	December 9, 2024
I-16	Mike Bullock	December 9, 2024
I-17	Diane Nygaard	December 11, 2024
I-18	Megan Ley	December 24, 2024
I-19	Zoe Erikson	January 6, 2025



Comment Letter A-1

**From:** Christine Asiata <[Christine.Asiata@opr.ca.gov](mailto:Christine.Asiata@opr.ca.gov)>  
**Sent:** Friday, October 25, 2024 4:52 PM  
**To:** Steve Taffolla <[staffolla@dudek.com](mailto:staffolla@dudek.com)>  
**Subject:** SCH Number 2024040851

Thank you for using CEQA Submit.

**Public Resources Code (PRC) Section 21091(c)(3) and Guidelines Section 15105(e) allows the State Clearinghouse (SCH) to distribute CEQA documents within three working days after the date of receipt if the submittal is determined by the State Clearinghouse to be complete. Additionally, the State agency review period does not begin until the SCH distributes the CEQA document to State agencies. (Pub. Resources Code, § 21093(c)(2).)**

Your project is published and available for review. Please note the State and Local review 'start' and 'end' dates.

**To view your project and any attachments via CEQAnet, from CEQA Submit:** Click "Navigation" and select "Published Document"

**Additional information is on State Clearinghouse (SCH) website -**

**FAQs:** <https://lci.ca.gov/sch/faq.html>

**Notice of Closing Letters:** The SCH will not provide a close of review period acknowledgement on your CEQA environmental document. Comments submitted by State agencies are made available on CEQAnet by the SCH during and after the review period.

To view comments on your project via CEQAnet, please visit:

<https://ceqanet.opr.ca.gov/Search/Advanced>

- Search for the SCH# using the Advanced Search in [CEQAnet](#)
- Select the correct document.
- Under "Attachments," view attachments labeled "State Comment Letters [Comments from State Reviewing Agency(ies)]"
- If there are no comments from a State agency about your project, it means none have been received.

**To get more information on a specific project, contact the lead agency responsible for it directly.**

A-1-1



**\*\*When Requesting Updates to Published/Posted Document(s)/Project(s):** Please note that the State Clearinghouse (SCH) does not remove attachments from published projects unless there is confidential information that cannot be displayed online.

To make changes to a published document, send requests and any attachments to [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov). Please also provide a brief memo on lead agency letterhead explaining what changes/corrections have been made.

To view your submission, use the following link.

<https://ceqasubmit.opr.ca.gov/Document/Index/298888/2>

Please contact the SCH with any questions at [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) or (916) 445-0613.

Thank you.

*\*\*Note: No reply, response, or information provided constitutes legal advice.*

Christine Asiata Rodriguez

A-1-1  
Cont.

## **Response to Comment Letter A-1**

California Office of Planning and Research - State Clearinghouse  
Christine Asiata  
October 25, 2024

- A-1-1**      The comment provides confirmation that the Draft EIR was submitted and posted for public review beginning on October 25, 2024. The comment also provides a link to view the Draft EIR on CEQA.net.

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

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



Comment Letter A-2

December 3, 2024

Shannon Vitale  
 City of Oceanside  
 300 North Coast Highway  
 Oceanside, CA 92054  
[svitale@oceansideca.org](mailto:svitale@oceansideca.org)

**SUBJECT: 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 Draft Environmental Impact Report (DEIR) 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.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise

<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.

*Conserving California's Wildlife Since 1870*

A-2-1

Shannon Vitale  
 City of Oceanside  
 December 3, 2024  
 Page 2 of 18

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) (San Diego Association of Governments 2003). The MHCP identifies critically important biological resources, which if lost to development, would result in significant specific or cumulative impacts within a given jurisdiction and across the MHCP subregion.

Unfortunately, the Oceanside SAP was not finalized and has not been adopted by the City nor has the City received permits from the Wildlife Agencies. The Focused Planning Areas nonetheless are considered highly relevant when evaluating the significance of biological resources on a given property within the cities comprising the MHCP planning effort.

A-2-1  
 Cont.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** City of Oceanside (City)

**Objective:** The objective of the Project is to develop apartments on a 43.50-acre plot referred to as the Parcel Area. A total of 11.75 acres would be impacted where 10.87 acres would include the development (On-Site Impact Area) and 0.88 acres would be disturbed through Project development outside of the Parcel Area (Off-Site Impact Area). The remaining 32.67 acres will be placed under a conservation easement. Primary Project activities include vegetation removal, grading, paving, and building construction.

A-2-2

**Location:** The proposed Project is in the Mira Costa neighborhood in Oceanside. It lies southwest of Oceanside Boulevard and 1.5 miles north of State Route 78. More specifically, the Project is in the west terminus of Olive Drive and south of the North County Transit District. Loma Alta Creek runs along the northern border of the Project.

<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."

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 3 of 18

**Timeframe:** The Project is proposed to occur in two phases over the course of 11 months. Construction is proposed to occur January 2026 to November 2026.

**Biological Setting:** The Project area is currently undeveloped and the surrounding land types are residential and industrial development. The vegetation communities within the biological study area, which includes the Parcel Area and off-site areas, were assessed as Diegan coastal sage scrub (16.82 acres; 1.99 acres disturbed), southern mixed chapparal (7.12 acres; 4.60 acres disturbed), non-native grassland (4.33 acres), freshwater marsh (0.05 acres), disturbed southern willow scrub (1.37 acres), and eucalyptus woodland (0.92 acres).

Dudek prepared a Biological Technical Report (BTR) which included results of vegetation mapping in 2022 to 2024 and focused surveys for coastal California gnatcatcher (*Polioptila californica californica*; California Species of Special Concern; Endangered Species Act (ESA) listed-threatened) in 2023 to 2024. Additionally in 2024, a jurisdictional delineation, focused surveys for least Bell’s vireo (*Vireo bellii pusillus*; ESA listed-endangered; CESA listed-endangered), southwestern willow flycatcher (*Empidonax traillii extimus*; ESA-listed endangered; CESA-listed endangered), and rare plants were conducted. San Diego marsh-elder (*Iva hayesiana*; California Rare Plant Rank (CRPR) 2B.2) was observed in the Parcel Area during the focused rare plant surveys.

A-2-2 Cont.

Sensitive species that are of potential concern for the Project include cliff spurge (*Euphorbia misera*; CRPR 2B.2), thread-leaved brodiaea (*Brodiaea filifolia*; ESA-listed threatened; CESA-listed endangered; CRPR 1B.1), and Crotch’s bumble bee (*Bombus crotchii*; CESA listed-candidate).

The DEIR proposes mitigation measures (MMs) relating to the designation of open space, nesting birds, biological monitoring, fencing, invasive species prohibition, a resident education program, and Crotch’s bumble bee. Relating to the designation of open space, the Project proposes to offset permanent impacts through a conservation easement of 32.63 acres. Additional conserved habitat of eucalyptus woodland and disturbed habitat are proposed to provide restoration for Projects. The DEIR provided mitigation ratios for habitat impacts consistent with the SAP.

**Project History:** In May 2024, CDFW provided comments on the Project’s Notice of Preparation CEQA document. In summary, there were recommendations to obtain an Incidental Take Permit (ITP) for CESA-listed species, conduct consultation with the United States Fish and Wildlife Service (USFWS), a request to be included as a third-party beneficiary to the conservation easement, to follow guidelines set forth in the Subarea Plan, assess whether a Lake and Streambed Alteration Agreement (LSAA) is appropriate, and provide a biological resources assessment.

A-2-3

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 4 of 18

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 and to ensure regional conservation objectives in the MHCP and draft Oceanside SAP would not be eliminated by implementation of the Project. We understand the City Council has voted not to adopt the draft SAP and that they released the Environmental Impact Report for the General Plan Update, which included provisions from the draft SAP; however, that plan is still not finalized nor is it subject to approval by the Wildlife Agencies. Additional comments or other suggestions may also be included to improve the document.

A-2-4

COMMENT # 1: Impacts to Rare Plants

**Issue:** The DEIR does not discuss or provide MMs to reduce impacts to rare plant species.

**Specific impact:** The Project may impact suitable habitat for San Diego marsh-elder, cliff spurge, and thread-leaved brodiaea, and may directly or indirectly impact these rare plant species. The DEIR does not provide a mitigation measure nor compensatory mitigation to minimize and avoid impacts to these rare plant species if found within the impact area.

**Why impact would occur:** There is potential for cliff spurge and thread-leaved brodiaea to occur due to suitable coastal scrub, chaparral, and grassland in the Parcel Area. Moreover, San Diego marsh-elder was observed in the Parcel Area during focused rare plant surveys. There were also observations on California Natural Diversity Database (CNDDDB) of rare plant species occurring within two miles of the Project area (CDFW 2024a). Project activities, such as vegetation removal and soil excavation, may result in adverse impacts to special status plant species without an avoidance, minimization, and mitigation measure. The DEIR does not provide a mitigation measure for rare plant species or compensatory mitigation for the loss of rare plant species habitat. Impacts to rare plants such as removal of habitat or loss of population would be considered significant under CEQA.

A-2-5

**Evidence impact may be significant:** Certain species are in danger of extinction because their habitats have been severely reduced in acreage, are threatened with destruction or adverse modification, or because of a combination of these and other factors. The California Endangered Species Act (CESA) and Native Plant Protection Act (NPPA) provide additional protections for such species, including take prohibitions (Fish & G. Code, § 2050 et seq.; Fish & G. Code, § 1908). As a responsible agency, CDFW has the authority to issue permits for the take of species listed under CESA and NPPA if the take is incidental to an otherwise lawful activity; CDFW has determined that the impacts of the take have been minimized and fully mitigated; and the take would not jeopardize the continued existence of the species (Fish & G. Code, § 2081, subd. (b);



Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 5 of 18

Cal. Code Regs., tit. 14 § 786.9, subd. (b)). Botanical field surveys are one of the preliminary steps to detect special status plant species and sensitive natural communities that may be impacted by a project.

↑  
A-2-5 Cont.

**Recommended Potentially Feasible Mitigation Measure(s)**

**Mitigation Measure #1: Rare Plant Survey**

Within one year prior to the commencement of ground-disturbing activities, habitat assessment surveys for the special-status plants shall be conducted by a qualified botanist. Surveys shall be in accordance with the [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018) and [Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants](#) (USFW 2000) at the appropriate time of year when the target species would be in flower or otherwise clearly identifiable. Locations of special-status plant populations shall be clearly identified in the field by staking, flagging, or fencing a minimum 100-foot-wide buffer around them prior to the commencement of activities that may cause disturbance.

↑  
A-2-6

**Mitigation Measure #2: Compensatory Mitigation**

If plants with a CRPR of 1B or 2B are observed in the impact area and cannot be avoided, no Project activities shall commence, and the City shall coordinate with CDFW to discuss avoidance of the rare plants on site. If complete avoidance is unattainable, the Project proponent shall provide compensatory mitigation to offset the Project’s impact on rare plants observed on site at no less than 2:1. The total habitat acreage within the mitigation land shall be no less than 2:1. The Project proponent shall acquire CDFW approved mitigation land that has presence of San Diego marsh-elder, cliff spurge, and thread-leaved brodiaea that are located in the same watershed as the Project site. The mitigation land shall also provide equivalent or greater habitat value than that of the Project site. The Project proponent shall protect replacement habitat in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.

↑  
A-2-7

**COMMENT # 2: Impacts to Crotch’s Bumble Bee**

**Issue:** The DEIR does not include survey results for the presence or absence of Crotch’s bumble bee. Moreover, MM-BIO-8 may be improved to deter accidental take or adverse impacts on Crotch’s bumble bee.

↑  
A-2-8

**Specific impact:** The DEIR states Crotch’s bumble bee has a moderate potential to occur on-site; however, focused surveys were not conducted prior to the circulation of the DEIR to determine if Crotch’s bumble bee currently occupy the Project area.

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 6 of 18

Additionally, MM-BIO-8 includes an avoidance plan that may be subject to appropriate authorization from CDFW in the form of an ITP.

**Why impact would occur:** There is suitable vegetation and habitat for host plants within the Project area for Crotch's bumble bee, such as coastal sage scrub, deerweed, chaparral, and grassland. Additionally, a CNDDDB search shows the Project area is within the [Crotch's Bumble Bee Range](#) (CDFW 2024b). The Project's ground and vegetation disturbance could result in potentially significant impacts to Crotch's bumble bee, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality. Moreover, the BTR stated that burrows excavated by small mammals capable of creating nesting colony habitat have been observed within the Project area. Crotch's bumble bees primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2012).

Given that the Project area is in the current range and has suitable habitat, there is potential for this CESA candidate species to be detected on site. BIO-8 calls for a preconstruction survey protocol that may cause adverse impacts to Crotch's bumble bee without appropriate take authorization under CESA. Construction delays due to obtainment of the proper permits may cause work stoppages due to Crotch's bumble bee presence. This can extend the Project into additional breeding seasons, leading to increased risk of disturbance to Crotch's bumble bee. In addition to the biological cost of construction delays, such delays are expensive in terms of Project implementation and logistics.

**Evidence impact would be significant:** Recently, the California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

CDFW considers impacts to species that are candidates for CESA listing to be significant, under CEQA. Accordingly, the Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

A-2-8  
Cont.

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 7 of 18

**Recommended Potentially Feasible Mitigation Measure(s)**

**Mitigation Measure #3: Focused Survey for Crotch's Bumble Bee**

The Project proponent shall retain a qualified biologist with appropriate handling permits and familiar with the species' behavior and life history of the species. Focused surveys should follow CDFW's [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#) (CDFW 2023). Prior to finalizing the CEQA document, focused surveys shall be conducted throughout the entire Project area during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. If Crotch's bumble bee is detected within the Project area, the Project proponent should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 et seq). The Project proponent should have a copy of a fully executed take authorization prior to any ground disturbance and vegetation removal. If an ITP through CESA is pursued, then the City shall also include details of impacts to the species and compensatory mitigation including land protection instruments and in-perpetuity funding.

A-2-9

**Mitigation Measure #4: Crotch's Bumble Bee Pre-Construction Survey** – The City shall revise MM-BIO-8 to incorporate the underlined language and omit the language in strikethrough:

A pre-construction survey for Crotch's bumble bee shall be conducted within the construction footprint prior to the start of ground-disturbing construction activities occurring during the Crotch's bumble bee nesting period (February 1 through October 31). The survey shall ensure that no nests for Crotch's bumble bee are within the construction area. The pre-construction survey shall include a habitat assessment and focused surveys, both of which shall be based on recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023, or the most current version at the time of construction.

A-2-10

The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat in the Parcel Area, including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and human-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. The habitat assessment shall be repeated prior to February 1 in each year ground-disturbing activities occur to determine if nesting resources are present within the On-Site and/or Off-Site Impact Areas. If nesting resources are present in the On-Site and/or Off-Site Impact Areas, focused surveys shall be conducted.

The focused survey shall be performed by a biologist with expertise in surveying for bumble bees and include at least three survey passes that are not on sequential days or

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 8 of 18

in the same week, preferably spaced 2 to 4 weeks apart. The timing of these surveys shall coincide with the colony active period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling), and surveyors shall wait at least 1 hour following rain. Optimal surveys are when there are sunny to partly sunny skies and a temperature greater than 60°F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 miles per hour). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the biologist shall watch the nest resources for up to 5 minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after 5 minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).

Identification shall include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee-identifying characteristics cannot be adequately captured in the container due to movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly.

If Crotch's bumble bee nests are not detected, no further mitigation would be required. The mere presence of foraging Crotch's bumble bees would not require implementation of additional minimization measures because they can forage up to 10 kilometers from their nests. If nest resources occupied by Crotch's bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources shall be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the

A-2-10  
Cont.

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 9 of 18

nesting season, it is assumed that no live individuals would be present within the nest because the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.

A written survey report shall be submitted to the City of Oceanside and CDFW within 30 days of the pre-construction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be submitted to the California Natural Diversity Database at the time of, or prior to, submittal of the survey report.

~~If the above measures are followed, the applicant would not need to obtain authorization from CDFW through the CESA Incidental Take Permit process. If nest resources cannot be avoided, as outlined in this measure, If Crotch's bumble bee is detected within the project area, the project applicant shall consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this document and shall be incorporated into the habitat mitigation and monitoring plan.~~

In the event that an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished through on-site preservation of suitable habitat and/or in accordance with CDFW guidance for off-site locations. The funding source shall be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount shall be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record shall take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement.

## ADDITIONAL COMMENTS

**Mitigation and Monitoring Reporting Plan.** CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific

A-2-10  
Cont.

A-2-11

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 10 of 18

actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

A-2-11  
Cont.

**Conservation Easement.** The DEIR states that 32.67 acres of the Project site will remain as natural open space and will be placed under a conservation easement. Consistent with our prior letter, CDFW requests that we and the USFWS be included as third-party beneficiaries on the conservation easement, and that MM-BIO-1 be amended to reflect third-party beneficiary designation of the Wildlife Agencies. We also recommend that the Final EIR include a discussion for which future City Projects will or may use the additional restoration and/or enhancement. Lastly, restoration efforts for this Project should not include fuel modification zones in order to offset permanent impacts and should be excluded from future plans for fuel modification.

A-2-12

## 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 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 CNDDDB. The [CNDDDB website](https://wildlife.ca.gov/Data/CNDDDB)<sup>3</sup> provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

A-2-13

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit)<sup>4</sup>.

The City should ensure data collected for the preparation of the DEIR is properly submitted.

## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final.

A-2-14

<sup>3</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>4</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 11 of 18

(Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

↑  
A-2-14 Cont.

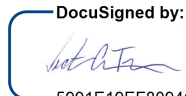
## CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

↑  
A-2-15

Questions regarding this letter or further coordination should be directed to Joleena De La Fe<sup>5</sup>, Environmental Scientist.

Sincerely,

DocuSigned by:  
  
5991E19EF8094C3...

Victoria Tang  
Environmental Program Manager  
South Coast Region

## ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife  
Victoria Tang (CDFW EPM)  
Jennifer Turner (CEQA Supervisor)  
Steve Gibson (CESA supervisor)  
Melanie Burlaza (NCCP supervisor)  
Joleena De La Fe (CEQA staff)  
Christina Lupoli (CESA staff)  
Emily Gray (NCCP staff)

Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## REFERENCES

[CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural

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<sup>5</sup> Phone: 858-354-3527; Email: [Joleena.delafe@wildlife.ca.gov](mailto:Joleena.delafe@wildlife.ca.gov)



Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 12 of 18

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[CDFW] California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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[CDFW] California Department of Fish and Wildlife. 2024b. Crotch's Bumble Bee Range - CDFW [ds3095]. Available from: <https://data.ca.gov/dataset/crotchs-bumble-bee-range-cdfw-ds3095>

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Hatfield, R, S Jepsen, E Mader, S H Black, and M Shepherd. 2012. Conserving Bumble Bees Guidelines for Creating and Managing Habitat for America's Declining Pollinators. Portland, OR: The Xerces Society for Invertebrate Conservation

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Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 13 of 18

# **ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party	
<b>Mitigation Measure #1: Rare Plant Survey</b>  Within one year prior to the commencement of ground-disturbing activities, habitat assessment surveys for the special-status plants shall be conducted by a qualified botanist. Surveys shall be in accordance with the <a href="#">Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</a> (CDFW 2018) and <a href="#">Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants</a> (USFW 2000) at the appropriate time of year when the target species would be in flower or otherwise clearly identifiable. Locations of special-status plant populations shall be clearly identified in the field by staking, flagging, or fencing a minimum 100-foot-wide buffer around them prior to the commencement of activities that may cause disturbance.	Prior to Project Initiation	Designated Biologist	A-2-16
<b>Mitigation Measure #2: Compensatory Mitigation</b>  If plants with a CRPR of 1B or 2B are observed in the impact area and cannot be avoided, no Project activities shall commence, and the City shall coordinate with CDFW to discuss avoidance of the rare plants on site. If complete avoidance is unattainable, the Project proponent shall provide compensatory mitigation to offset the Project's impact on rare plants observed on site at no less than 2:1. The total habitat acreage within the mitigation land shall be no less than 2:1. The Project proponent shall acquire CDFW approved mitigation land that has presence of San Diego marsh-elder, cliff spurge, and thread-leaved brodiaea that are located in the same watershed as the Project site. The mitigation land shall also provide equivalent or greater habitat value than that of the Project site. The Project proponent shall protect replacement	During Project Construction / After Project Completion	Lead Agency / Project Proponent	A-2-17


Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 14 of 18

Mitigation Measure	Timing	Responsible Party	↑ A-2-17 Cont.
habitat in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.			
<b>Mitigation Measure #3: Focused Survey for Crotch’s Bumble Bee</b>  The Project proponent shall retain a qualified biologist with appropriate handling permits and familiar with the species’ behavior and life history of the species. Focused surveys should follow CDFW’s <a href="#">Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species</a> (CDFW 2023). Prior to finalizing the CEQA document, focused surveys shall be conducted throughout the entire Project area during the appropriate flying season to ensure no missed detection of Crotch’s bumble bee occurs. If Crotch’s bumble bee is detected within the Project area, the Project proponent should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 et seq). The Project proponent should have a copy of a fully executed take authorization prior to any ground disturbance and vegetation removal. If an ITP through CESA is pursued, then the City shall also include details of impacts to the species and compensatory mitigation including land protection instruments and in-perpetuity funding.	Prior to Project Initiation	Designated Biologist / Lead Agency	↑ A-2-18
<b>Mitigation Measure #4: Crotch’s Bumble Bee Pre-Construction Survey</b> – The City shall revise MM-BIO-8 to incorporate the <u>underlined</u> language and omit the language in strikethrough:	Prior to Project Initiation	Lead Agency	

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A-2-19

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 15 of 18

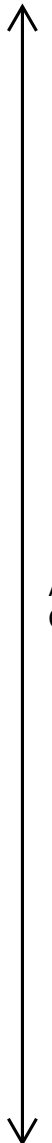
Mitigation Measure	Timing	Responsible Party
<p>A pre-construction survey for Crotch’s bumble bee shall be conducted within the construction footprint prior to the start of ground-disturbing construction activities occurring during the Crotch’s bumble bee nesting period (February 1 through October 31). The survey shall ensure that no nests for Crotch’s bumble bee are within the construction area. The pre-construction survey shall include a habitat assessment and focused surveys, both of which shall be based on recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023, or the most current version at the time of construction.</p> <p>The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat in the Parcel Area, including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and human-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. The habitat assessment shall be repeated prior to February 1 in each year ground-disturbing activities occur to determine if nesting resources are present within the On-Site and/or Off-Site Impact Areas. If nesting resources are present in the On-Site and/or Off-Site Impact Areas, focused surveys shall be conducted.</p> <p>The focused survey shall be performed by a biologist with expertise in surveying for bumble bees and include at least three survey passes that are not on sequential days or in the same week, preferably spaced 2 to 4 weeks apart. The timing of these surveys shall coincide with the colony active period (April 1 through August 31 for Crotch’s bumble bee). Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy,</p>		



A-2-19  
Cont.

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 16 of 18

Mitigation Measure	Timing	Responsible Party
<p>raining, or drizzling), and surveyors shall wait at least 1 hour following rain. Optimal surveys are when there are sunny to partly sunny skies and a temperature greater than 60°F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 miles per hour). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the biologist shall watch the nest resources for up to 5 minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after 5 minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).</p> <p>Identification shall include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee-identifying characteristics cannot be adequately captured in the container due to movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation.</p>		



A-2-19  
Cont.

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 17 of 18

Mitigation Measure	Timing	Responsible Party
<p>The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly.</p> <p>If Crotch's bumble bee nests are not detected, no further mitigation would be required. The mere presence of foraging Crotch's bumble bees would not require implementation of additional minimization measures because they can forage up to 10 kilometers from their nests. If nest resources occupied by Crotch's bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources shall be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest because the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.</p> <p>A written survey report shall be submitted to the City of Oceanside and CDFW within 30 days of the pre-construction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be</p>		

A-2-19  
Cont.

Shannon Vitale  
City of Oceanside  
December 3, 2024  
Page 18 of 18

Mitigation Measure	Timing	Responsible Party
<p>submitted to the California Natural Diversity Database at the time of, or prior to, submittal of the survey report.</p> <p><del>If the above measures are followed, the applicant would not need to obtain authorization from CDFW through the CESA Incidental Take Permit process. If nest resources cannot be avoided, as outlined in this measure, If Crotch's bumble bee is detected within the project area, the project applicant shall consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this document and shall be incorporated into the habitat mitigation and monitoring plan.</del></p> <p>In the event that an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished through on-site preservation of suitable habitat and/or in accordance with CDFW guidance for off-site locations. The funding source shall be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount shall be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record shall take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement.</p>		



A-2-19  
Cont.

## Response to Comment Letter A-2

California Department of Fish and Wildlife  
Victoria Tang, Environmental Program Manager  
December 3, 2024

- A-2-1** The comment provides an introduction to the comment letter, describes CDFW's role as a Trustee Agency and a Responsible Agency, and lists several permits and regulations that CDFW implements. The comment also indicates that the Oceanside SAP has not been adopted by the Wildlife Agencies and notes CDFW's position regarding the document's relevance to an evaluation of the significance of biological resources. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- A-2-2** The comment purports to summarize the project evaluated in the Draft EIR. A majority of this comment reiterates information provided in the Draft EIR; however, the San Diego marsh elder was the only CRPR 1 or 2 plant observed during the focused rare plant surveys conducted for the Draft EIR. Although located within the overall Parcel Area, the San Diego marsh elder is in an area that would not be impacted by the project. Cliff-spurge and thread-leaved brodiaea were surveyed for and were not observed within the Parcel Area. Lastly, results of focused surveys for the birds mentioned in the comment were negative, and mitigation measures have been proposed for Crotch's bumble bee.
- A-2-3** The comment summarizes the recommendations made by CDFW in their comment letter from May 2024 on the Project's Notice of Preparation CEQA document. The Draft EIR addressed CDFW's comments in Section 4.3, Biological Resources. The first recommendations noted were to obtain an Incidental Take Permit (ITP) for CESA-listed species and consult with USFWS. As explained in Section 4.3 of the Draft EIR, the project would not result in take of CESA-listed species with implementation of the avoidance and minimization measures including Mitigation Measures MM-BIO-3 (Nesting Bird Surveys), MM-BIO-4 (Biological Monitoring), and MM-BIO-8 (Crotch's Bumble Bee Pre-Construction Survey) and the project is proceeding with the consultation process with USFWS. The next recommendation noted was a request to be included as a third-party beneficiary to the conservation easement. MM-BIO-1 has been updated to include that CDFW will be named along with USFWS as a third-party beneficiary of the conservation easement. Other recommendations noted were to follow guidelines set forth in the Subarea Plan and provide a biological resources assessment. A Biological Technical Report has been completed and is included in Appendix C to the Draft EIR, and that analysis demonstrates the project is consistent with guidelines in the draft Subarea Plan. A recommendation was made to assess whether a Lake and Streambed Alteration Agreement (LSAA) is appropriate. Based on its delineation of aquatic features on the project site, Dudek determined that the two aquatic features located in the proposed development footprint are erosional features that lack a defined bed and bank and lack wetland vegetation as further explained in Section 5.5.1, Aquatic Resources, of Appendix C of the Draft EIR. Thus, a Lake and Streambed Alteration Agreement would not be required because the project does not result in an alteration to CDFW jurisdictional areas.
- A-2-4** The comment provides introductory text to the comments that follow and indicates that the Oceanside SAP has not yet been approved by the Wildlife Agencies. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

**A-2-5** The comment argues that the DEIR doesn't discuss or provide mitigation measures to reduce impacts to rare plant species. The record reflects that the comment is mistaken. Potential indirect impacts to special-status plants and vegetation communities, along with mitigation measures which would reduce potential impacts, are described in detail in Section 4.3.4 of the EIR and include the potential for impacts related to or resulting from the generation of fugitive dust; changes in hydrology resulting from construction, including altered hydrology, non-native invasive species, sedimentation and erosion; increased human activity; and the introduction of chemical pollutants. Per Section 4.3.4, some potential indirect impacts would not occur because the project as proposed includes implementation of PDF-BIO-1 (Biological Resource Minimization Measures) and PDF-AQ-1 (Dust Control and Air Quality Measures). The Draft EIR further determined that potential indirect impacts would be less than significant due to the imposition of MM-BIO-2 (Permanent Fencing and Signage), MM-BIO-4 (Biological Monitoring), MM-BIO-5 (Temporary Installation of Fencing), and MM-BIO-6 (Invasive Species Prohibition). San Diego marsh elder is the only plant species with a CRPR of 1 or 2 that was observed in the Parcel Area. As discussed in Section 4.3.4, San Diego marsh elder is located on the Parcel Area near Loma Alta Creek in an area that is over 300 feet from the limits of development for the proposed project. Thus, rare plant species would not be directly impacted by the proposed project, therefore no additional mitigation is required with respect to rare plant species.

As described in Section 4.3.1.1 of the DEIR, focused survey passes for rare plants were conducted by qualified Dudek botanists in April, May, and July of 2024. Survey timing was scheduled so that surveys were conducted when target species including those mentioned in the comment (San Diego marsh elder, cliff spurge, and thread-leaved brodiaea) would be detectable and identifiable if present, based on the phenology of local known reference populations. Only the San Diego marsh elder was present.

Thus, the comment erroneously argues that there is potential for cliff spurge and thread-leaved brodiaea to occur in suitable vegetation communities present in the parcel area. Appendix C2 of the Biological Technical Report describes that surveys conducted for thread-leaved brodiaea were completed and negative and the species is not expected to occur, therefore, there are no impacts to the species and no mitigation is required. Similarly, Appendix C2 of the Biological Technical Report describes that cliff spurge is not expected to occur, as the perennial species was not observed during focused rare plant surveys.

Per the results of site specific, focused rare plant surveys which were conducted, no special-status plants with a CRPR of 1 or 2 are expected to occur in the On-Site or Off-Site impact areas, and San Diego marsh elder is that only plant with a CRPR 1 or 2 that was observed within the Parcel Area. Because San Diego marsh elder would not be disturbed by the project, there would be no direct impacts to special-status plant species with a CRPR of 1 or 2, and therefore the Draft EIR properly determined that direct impacts to special-status plants as a result of the proposed project would be less than significant.

**A-2-6** The comment recommends a rare plant survey measure as a potentially feasible mitigation measure. The comment recommends that the survey be conducted within one year prior to the start of project-related ground-disturbance, include habitat assessments conducted by a qualified botanist.

As described in Section 4.3.1.1 of the DEIR, and Response to Comment A-2-5, focused survey passes for rare plants were conducted by qualified Dudek biologists in April, May, and July of 2024. e. Field survey methods conformed to the California Native Plant Society's Botanical Survey Guidelines (CNPS 2001); Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (CDFG 2000); and General Rare Plant Survey Guidelines (Cypher



2002). Rare plant survey methods followed were consistent with the survey considerations suggested in the comment. All plants that had potential to occur would have been detected during the survey passes conducted. Reference checks of known populations of target species were conducted to ensure that passes occurred at appropriate times when the plants would be detectable and identifiable. There is no requirement for additional rare plant surveys to be conducted within one year of ground disturbance. For these reasons, the addition of this recommended measure is not required.

**A-2-7** The comment recommends a compensatory mitigation measure for impacts to rare plants with a CRPR of 1B or 2B. As discussed, focused surveys for rare plants were conducted in 2024 and no plants with a CRPR of 1B or 2B were found in or adjacent to, or are expected to occur in or adjacent to, the On-Site or Off-Site Impact Areas. Thus, a compensatory mitigation measure for rare plants is not justified nor required to support the Draft EIR's determination that project impacts would be less than significant.

**A-2-8** The first part of the comment states that the DEIR does not include results of presence or absence surveys for Crotch's bumble bee, and that MM-BIO-8 can be improved to deter adverse impacts or accidental take of the species. Presence or absence surveys for Crotch's bumble bee were not conducted. However, the DEIR evaluated the potential for Crotch's bumble bee to be present based on factors such as plant species located on the Parcel Area and the species range as identified by CDFW. Based on the site-specific analysis, the Draft EIR concludes that the Crotch's bumble bee has a moderate potential to forage within the Parcel Area due to suitable floral resources such as deerweed (*Acmispon glaber*) and that project may have potentially significant impacts to Crotch's bumble bee without mitigation. To reduce that potential impact to less than significant, the Draft EIR imposes MM-BIO-8. MM-BIO-8 requires three survey passes conducted during the colony active period, consistent with the current survey recommendations from CDFW. The comment requests modifications to that mitigation measure and, as described in response to comment A-2-9, MM-BIO-8 has been revised per the specific recommendations.

The potential for indirect impacts would be either avoided or mitigated to less than significant through implementation of PDF-BIO-1 (Biological Resource Minimization Measures), PDF-AQ-1 (Dust Control and Air Quality Measures), MM-BIO-3 (Nesting Bird Surveys), MM-BIO-4 (Biological Monitoring), and MM-BIO-5 (Temporary Installation of Fencing). Mitigation for loss of suitable habitat for special status wildlife species with potential to occur in the Parcel Area would be accomplished through on-site preservation of suitable habitat per MM-BIO-1 (Designation of Open Space) and/or in accordance with CDFW guidance, and thus impacts related to the Crotch's bumble bee would be less than significant.

**A-2-9** The comment recommends the performance of Crotch's bumble bee focused surveys using CDFW guidance. As the Draft EIR reflects, MM-BIO-8 already imposes the obligation to perform that survey. Contrary to the legal opinion offered in the comment, CEQA does not require performance of such a survey prior to certification of the project's EIR. Finally, as the comment notes, if the surveys required by MM-BIO-8 identify the Crotch's bumble bee as being potentially disturbed by the project and otherwise required by law, the project developer would need to secure any required take authorizations. The measure recommends that surveys be conducted prior to finalizing the CEQA document and describes next steps that would be taken if the species is detected. The existing MM-BIO-8 requires three survey passes conducted during the colony active period, consistent with the current survey recommendations from CDFW. Since the measure already requires focused surveys, as well as surveys focused on identifying and avoiding nests, an additional measure requiring focused surveys is duplicative. The appropriate consultation and other steps described will be taken if Crotch's bumble

bee is detected during the preconstruction surveys to ensure avoidance and minimization of impacts to the species to the satisfaction of CDFW, and focused surveys are not necessary prior to finalizing the CEQA document.

**A-2-10** The comment offers specific revisions to the language of MM-BIO-8. The Final EIR includes the modified MM-BIO-8 that includes the CDFW requested revisions.

**A-2-11** The comment summarizes the early requests for incorporation of additional “mitigation measures” identified in the comment letter and included as an attachment to the comment letter. See Response to Comment A-2-6 through A-2-8 for substantive responses regarding those measures

**A-2-12** The comment erroneously refers to 32.67 acres (instead of 32.63 acres) of the Parcel Area that will remain as natural open space and will be placed under a conservation easement, per the DEIR. The comment requests that MM-BIO-1 be modified to identify CDFW and USFWS as third-party beneficiaries of the conservation easement required by MM-BIO-1. As demonstrated in the Final EIR, MM-BIO-1 has been modified as requested to specify that CDFW and USFWS will be named as third-party beneficiaries to the conservation easement.

The comment also asks that the Final EIR includes a discussion of which future City Projects might use the additional restoration and/or enhancement. Such an analysis is not required by CEQA and it would be speculative to engage in such an effort as part of the project approvals. The draft EIR properly discloses that the 32.63 acres will be permanently conserved and that the project will mitigate its impacts through the establishment of the conservation easement. Regarding the additional restoration and/or enhancement acreage or any excess credits, it is not known if those will exist beyond those utilized by the project; however, if excess credits exist, the allocation of those credits will occur pursuant to applicable permitting processes and with any required consultation and/or concurrences by the applicable agencies. Finally, the project design does not propose Fuel Modification Zones within the proposed open space conservation area. To further illustrate that fact a figure has been included in the Final EIR Errata (Figure RTC-1).

**A-2-13** The comment explains that projects under CEQA are required to report any special-status species and natural communities detected during project surveys to the CNDDB. This is standard protocol required under CEQA and survey results have been reported to the CNDDB.

**A-2-14** The comment explains that upon filing of the Notice of Determination a project must provide payment of the environmental document filing fee. The project will provide payment of this fee at the time the Notice of Determination is filed.

**A-2-15** The comment provides conclusory statements. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

**A-2-16** The comment recommends a rare plant survey measure as a potentially feasible mitigation measure. See Response to Comment A-2-6.

**A-2-17** The comment recommends a compensatory mitigation measure as a potentially feasible mitigation measure for if plants with a CRPR of 1B or 2B are found in the impact area and impacts to the plant cannot be avoided. See Response to Comment A-2-7.

- A-2-18** The comment recommends a mitigation measure for focused surveys for Crotch's Bumble Bee. See Response to Comment A-2-8.
- A-2-19** The comment is related to mitigation for Crotch's Bumble Bee. See Response to Comment A-2-8. Intentionally left blank

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**From:** Zoutendyk, David <[David\\_Zoutendyk@fws.gov](mailto:David_Zoutendyk@fws.gov)>  
**Sent:** Thursday, January 2, 2025 2:51 PM  
**To:** Shannon Vitale <[SVitale@oceansideca.org](mailto:SVitale@oceansideca.org)>  
**Cc:** Callie Amoaku <[cford@dudek.com](mailto:cford@dudek.com)>; Brian Mikail <[bmikail@capstoneequities.com](mailto:bmikail@capstoneequities.com)>; Burlaza, Melanie@Wildlife <[melanie.burlaza@wildlife.ca.gov](mailto:melanie.burlaza@wildlife.ca.gov)>; Turner, Jennifer@Wildlife <[jennifer.turner@wildlife.ca.gov](mailto:jennifer.turner@wildlife.ca.gov)>  
**Subject:** Re: [EXTERNAL] RE: Trolley Place Oceanside - Meeting Follow-Up

**Warning: External Source**

Shannon,

I understand you may be the City POC for this project. Our staff for this area took another position and we were not able to comment on the EIR. I am not sure how much you are aware of the City's draft MHCP Subarea Plan (SAP) and that section 5.4 of the draft SAP identifies the project site as a corrective action:

**5.4 Corrective Actions**

The following corrective actions for unmitigated take of habitat are hereby incorporated by reference. The City will ensure that the required remedial actions will be undertaken by the responsible party, and future development on these properties will not be permitted until the habitat has been restored or properly mitigated as determined by the City and the Wildlife Agencies.

- **Property south of Loma Alta Creek west of the terminus of Olive Drive.**  
 Approximately 18 acres of coastal sage scrub was illegally graded along Loma Alta Creek in 1997 without authorization by the City or Wildlife Agencies. USFWS and the City required that the property owner remediate the unauthorized impacts either by restoring the impacted 18 acres of onsite high-quality coastal sage scrub habitat or providing 36 acres of offsite coastal sage scrub mitigation in the WCPZ or a PAMA. Once the corrective action is completed, not less than 75 percent of coastal sage scrub must be conserved under any proposal for impact.

I took a quick look at the EIR and I do not see any reference to the project site being a corrective action. Also, we have been meeting with the applicant on how the project can be consistent with section 5.4 of the SAP. Unfortunately none of those discussions/agreements are reflected in the EIR either.

A-3-1

We recommend that the final EIR include an evaluation of the project's consistency with section 5.4 of the draft SAP. We are arranging another meeting with the applicant and CDFW to discuss this next Monday at 2 in case you can attend. thx

↑  
A-3-1 Cont.

David  
David Zoutendyk  
Division Supervisor  
U.S. Fish and Wildlife Service  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, CA 92008  
760-431-9440x222  
(he/his/him)

## **Response to Comment Letter A-3**

**U.S. Fish and Wildlife Service  
January 2, 2024**

- A-3-1** The comment restates information from the City's draft MHCP Subarea Plan (SAP) Section 5.4 regarding the project site being identified as a correction action. Regarding the draft SAP's reference to the site as subject to corrective action, the project is consistent with the corrective action goals for the property, that the SAP identified in response to unauthorized habitat disturbance by prior owners, as set forth in Section 5.4 of the draft SAP. First, the project would result in the preservation and restoration/enhancement of coastal sage scrub habitat on more than 75% of the site (nearly 95% of coastal sage scrub). Secondly, more than 18 acres of coastal sage scrub will be protected onsite through the restoration and enhancement of disturbed habitat adjacent to existing coastal sage scrub and the conservation of the existing coastal sage scrub onsite as identified in MM-BIO-1. The project restoration, enhancement and conservation efforts are consistent with the draft SAP's corrective action goals for the property and they will enhance the functions and values of the existing CSS habitat on the Parcel Area in furtherance of the draft SAP biological goals and objectives. Consequently, as the Draft EIR disclosed, the project is consistent with the draft SAP including by means of the combined preservation and restoration/enhancement on-site that comports with the corrective action goals in Section 5.4 of the draft SAP related to prior unlawful habitat removal that occurred under previous ownership of the Parcel Area.

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# San Diego County Archaeological Society, Inc.

Environmental Review Committee

November 15, 2024

To: Ms. Shannon Vitale, AICP, Senior Planner  
Planning Division  
City of Oceanside  
300 North Coast Highway  
Oceanside, California 92054

Subject: Draft Environmental Impact Report  
Olive Park Apartments Project  
D24-00006, P24-00002, DB24-00001

Dear Ms. Vitale:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

O-1-1

Based on the information contained in the DEIR and its Appendix D, we have the following comments:

1. As with the recent Coast Highway Bridge Replacement DMND, Appendix D and Section 4.4 of the DEIR indicate that the earliest aerial photos that were reviewed for this project were from 1939. The 1928-29 "Tax Factor" aerial photo series, which was shot for the County Tax Assessor and which are accessible from several different local sources, needs to be reviewed and Appendix D and the DEIR revised if/as necessary.
2. Again, similar to the Coast Highway Bridge Replacement DMND, The cultural resources mitigation program fails to consider the possibility of encountering non-Tribal resources. DUDEK should produce mitigation measures which define the treatment of such resources, should they be encountered during the monitoring program, up to and including curation at a facility meeting the standards of 36CFR79.

O-1-2

O-1-3

Thank you for including SDCAS in the public review for this project.

O-1-4

Sincerely,

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

cc: DUDEK  
SDCAS President

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

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## **Response to Comment Letter O-1**

**San Diego County Archaeological Society, Inc.  
James W. Royle, Jr.  
November 15, 2024**

- O-1-1** The comment provides introductory text to the comments that follow.
- O-1-2** The comment states that the earliest aerial photos that were reviewed for this project were from 1939, and that the 1928-29 “Tax Factor” aerial photo series needs to be reviewed and Appendix D and the DEIR revised if/as necessary. Dudek’s 2024 Cultural Resources Inventory Report (Appendix D) contains a section on the review of historic maps and aerials, including a review of historic aerial photographs from 1938 through 2020, and historic topographic maps from 1893 through 2022. It is unlikely that review of the 1928-29 “Tax Factor” aerial photographs referenced would have the potential to reveal new relevant information or previously unrecorded resources not already known through review of the aerial photographs, topographic maps, and records from the South Coastal Information Center, as a review of the aerial photographs and topographic maps (the earliest map available is 1893, which is earlier than the 1928-29 “Tax Factor” aerial photo series) reveal that no historic structures are located within the Parcel Area, and the Parcel Area has remained undeveloped to the present. Through this research, the Cultural Resources Inventory Report and its review of historic aerial photographs/topographic maps are considered sufficiently adequate for the purposes of identifying the project’s potential historic resources impacts, and a review of the 1828-29 “Tax Factor” aerial photo series or revisions to the Cultural Resources Inventory Report (Appendix D) and the DEIR are not warranted.
- O-1-3** The comment states the cultural resources mitigation program fails to consider the possibility of encountering non-Tribal resources and DUDEK should produce mitigation measures which define the treatment of such resources, should they be encountered during the monitoring program, up to and including curation at a facility meeting the standards of 36CFR79. The language included in MM CUL-6 states that the Qualified Archaeologist or the Luiseño Native American monitor may halt ground disturbing activities if unknown tribal cultural resources, archaeological artifact deposits or cultural features are discovered, and then defines the treatment of resources which includes the determination of potential importance, avoidance and protection is the preferable mitigation, and if avoidance is not feasible, a data recovery plan shall be prepared. Non-Tribal resources are included in MM-CUL-6 under archaeological deposits or cultural features, however, the language in MM-CUL-6 has been revised to clarify what are qualifying non-Tribal resources, and to include the curation of qualifying non-Tribal unique archeological resources (artifact deposits or cultural features or artifacts). Changes have been made in ~~strikeout~~ underline in the Final EIR.
- O-1-4** The comment provides a conclusory remark. No further response is required.

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**City of Oceanside Bicycle and Pedestrian Committee**  
**BikeWalk Oceanside**

Phone: 619-200-6188 • E-Mail: [tlichterman@cox.net](mailto:tlichterman@cox.net)

November 26, 2024

Shannon Vitale, AICP Senior Planner  
 City of Oceanside Planning Division  
 300 North Coast Highway  
 Oceanside, CA 92054

Submitted via: [svitale@oceansideca.org](mailto:svitale@oceansideca.org)

**RE: COMMENTS ON OLIVE PARK APARTMENTS PROJECT DRAFT EIR**  
 DEVELOPMENT PLAN (D24-00006); TENTATIVE PARCEL MAP(P24-00002); AND DENSITY BONUS  
 APPLICATION (DB24-00001)

Dear Ms. Vitale,

The Oceanside Bicycle and Pedestrian Committee (“Committee”) is a citizen’s advisory committee whose role is to advise the City on programs, projects, and policies which improve bicycling and walking in the community. The Committee’s membership includes over 90 Oceanside residents who are concerned about bicycling and walking infrastructure and opportunities. Our goals are to promote bicycling and walking in the community for health, recreation, and transportation, to promote bicycle and pedestrian safety, and to improve bicycling and pedestrian facilities.

O-2-1

The Committee discussed the Olive Park Apartments project (“Project”) at our November 18 meeting with the aid of materials provided from the DEIR and project documents. After discussion, our Committee voted to support several features of this project including:

- It is a Transit-Oriented Development (TOD) that will facilitate transit and active transportation use on a designated Smart and Sustainable Corridor.
- It provides needed affordable housing.
- Specific active transportation improvements have been incorporated, including a direct physical connection to a major SPRINTER station and transit stop, and a new all-weather pathway for bicyclists and pedestrians from both the new development and the existing neighborhood on Olive Drive to the SPRINTER station.

O-2-2

The Committee did note that there are Olive Drive-area resident concerns regarding traffic impacts from this project. We hope that the City and/or Developer can take steps to mitigate these impacts, including providing an alternate or additional access (perhaps the Emergency Vehicle Access Road)

O-2-3

and traffic calming measures on Olive Drive. Additionally, some of the following comments on the project will help incentivize transit and active transportation use and thereby lessen traffic in the area.

↑  
O-2-3  
Cont.

Our Committee has the following specific comments and recommendations:

1. We strongly support the Project’s direct connections to the College Blvd. SPRINTER station and transit. This aspect of the Project is an excellent example of how TOD can be integrated with nearby transit services.
2. The City and Developer should ensure that the grades of all ramps and pathways, including the switchback path in the open space area and connecting ramp to the SPRINTER platform are ADA-compliant, to the maximum extent possible.
3. The Emergency Vehicle Access road should allow pedestrian use to access the SPRINTER connection, shortening the walk for many residents of the Project.
4. The design should ensure that the switchback path can accommodate slow moving bicycles, i.e., the turns are wide enough or are bulbed out.
5. The Project should provide wayfinding signage for the pathways from the apartments to the SPRINTER station, and from the existing neighborhood to the SPRINTER station via the switchback path in the open space area.
6. The Project should provide lockable bicycle storage lockers for tenants near the apartments, on the ground floor. Please include electrical plugs so that e-bikes can be re-charged.
7. On-site car parking should be unbundled with the rent cost, i.e., basic rent costs should be for the apartment unit only, with extra rental fee(s) charged for parking, if used by the residents<sup>1</sup>. This measure will help incentivize use of non solo-automobile modes and thereby reduce trips, VMT, and greenhouse gas (GHG) emissions from this Project. Priced parking is a mitigation measure of California’s official plan (the CARB Scoping Plan) to achieve SB 32. To achieve SB 32, most car parking will need to be priced by 2030, using a system that will increase the use of alternative modes.

O-2-4  
O-2-5  
O-2-6  
O-2-7  
O-2-8  
O-2-9  
O-2-10

<sup>1</sup> Appendix D, Local Transportation Study, Figure 10-1, includes Parking Pricing and Parking Cash-Out as Mobility Management Strategies that a project with this quantity of average daily trip generation should include to reduce VMT.

8. The Project should be conditioned for on-site management to offer discounted monthly transit passes for residents as a further incentive to use transit and active transportation<sup>2</sup>.
9. The bike lane on Oceanside Blvd. in front of the SPRINTER station is discontinuous and disappears altogether as it approaches the intersection with College Blvd. The Project should contribute financially to enhancements to make this bike lane fully continuous to the intersection, with proper striping and green paint to improve visibility and safety<sup>3</sup>. It should be noted that the *Local Transportation Study* should have included Oceanside Blvd. in its analysis as an adjacent prime arterial to the Project.
10. The Project design staff should be conditioned to coordinate with the City's current Inland Rail Trail Study of alignment options, rather than just stating in the DEIR that the Class I bike path at this location is not feasible (per Page 6 of the *Local Transportation Study*). The feasibility of the Inland Rail Trail alignment at this location has not yet been determined by the study, and there are a number of ways to address this critical issue, including use of the space adjacent to the Project's large retaining wall and connecting into the Emergency Vehicle Access roadway.

O-2-11

O-2-12

O-2-13

Thank you for the opportunity to comment.

O-2-14

Sincerely,



Tom Lichterman, Chairman  
Oceanside Bicycle and Pedestrian Committee

cc: Oceanside Bicycle and Pedestrian Committee Members  
Howard LaGrange, Active Transportation and Micromobility Coordinator  
Kimley-Horn, City Consultant on the Inland Rail Trail Study

<sup>2</sup> Appendix D, Local Transportation Study, Figure 10-1, includes Transit Fare Reductions as a Mobility Management Strategy that a project with this quantity of average daily trip generation should include to reduce VMT.

<sup>3</sup> The Local Transportation Study, Appendix D, Page 41 of 175, states that:  
The LTS/LTA shall include a discussion of bicycle infrastructure available including any opportunities or deficiencies such as bike lanes, bike buffers, or bike boxes. This section must also include discussion of what is planned based on City and regional documentation. The extents are as follows:  

- All roadways adjacent to the project, extending in each direction to the nearest intersection with a classified roadway or with a Class I path
- Both directions of travel should be evaluated

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## **Response to Comment Letter O-2**

**City of Oceanside Bicycle and Pedestrian Committee – Bike Walk Oceanside  
Tom Lichterman, Chairman  
November 26, 2024**

- O-2-1** The comment states the Committee's role as a citizen's advisory committee and summarizes their goals. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- O-2-2** The comment states that during their November 18, 2024 meeting they voted in support of several features of the project including it being a Transit-Oriented Development, it provides affordable housing, and its active transportation improvements.
- O-2-3** The comment stated that residents in the area had concerns over traffic and asked that the developer mitigate these concerns by providing an alternate or additional access, and traffic calming measures. This request will be forwarded to the decision makers. Traffic impacts have been analyzed and accounted for in the Draft EIR Appendices I1 and I2, and in Section 4.15 Transportation. That analysis demonstrates that the project will not have significant impacts with respect to the topics addressed in this comment. It should also be noted that the project provides connections to the bicycle network from the project site along Olive Drive to College Boulevard, and also provides an all-weather pedestrian and bicycle path connection to the College Boulevard Sprinter Station, which also leads to bicycle lanes that exist on Oceanside Boulevard.
- O-2-4** The comment expresses support for the project's connections to the College Boulevard Sprinter station and transit and states that it is an excellent example of how TOD can be integrated with nearby transit services. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- O-2-5** The comment states that grades of the ramps and pathways including the path in the open space and connecting ramp to the Sprinter platform are ADA-compliant. The path leading down towards the NCTD Sprinter station and all other aspects of the project would be ADA compliant. Per California Building Code Title 24, Part 2, Chapter 11 all new construction and modifications to public accommodations must comply with ADA's accessible design requirements. This applies to new construction, additions, alterations, and path of travel to areas of alteration.
- O-2-6** The comment states that the EVA road should allow pedestrian use to access the Sprinter connection, shortening the walk for many residents of the project. This comment will be forwarded to the decision makers. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- O-2-7** The comment suggests that the design of the switchback path should have wide enough turns to allow for slow moving bicycles. The proposed switchback path leading down towards the NCTD Sprinter station would have a width of 5-feet. Flat landing areas at corner turn switchbacks would be provided and the path would be ADA compliant. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

- 0-2-8** The comment states that the Project should provide wayfinding signage for the pathways from the apartments to the Sprinter station, and from the existing neighborhood to the Sprinter station via the switchback path in the open space area. Regarding wayfinding, as stated in Section 4.10, Land Use, signage, lighting, and other improvements would be made to ensure user safety on and around the site including wayfinding for pedestrians and bicyclists.
- 0-2-9** The comment states that the project should provide lockable bicycle storage lockers for tenants near the apartments, on the ground floor and also include electrical plugs for e-bike charging. This comment will be forwarded to the decision makers. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- 0-2-10** The comment is in regards to priced parking being unbundled with the cost of rent in order to reduce VMT and GHG emissions consistent with SB 32. See Response to Comment I-16-3.
- 0-2-11** The comment states that the project should be conditioned to offer discounted monthly transit passes for on-site management to further incentivize transit use and active transportation. This comment will be forwarded to the decision makers. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- 0-2-12** The comment explains how the bike lane on Oceanside boulevard in front of the Sprinter station is discontinuous and that the project should contribute financially to the enhance the bike lane to be continuous and have proper striping to improve visibility and safety. As required by the City of Oceanside's Traffic Guidelines, the bicycle analysis included in Draft EIR Appendix I2 consists of documenting existing and planned bicycle infrastructure available including any opportunities or deficiencies such as bike lanes, bike buffers, or bike boxes from the project access points extending in each direction to the nearest intersection with a classified roadway or connection with a Class I path. Olive Drive provides access to the existing bike lane on College Boulevard. No deficiencies were observed on the existing bike lane on College Boulevard in the project vicinity; therefore, no improvements are recommended.
- 0-2-13** The comment states that the project should be conditioned to coordinate with the City's Inland Rail Trail Study of alignment options rather than stating that a Class I bike path at this location is not feasible. This comment will be forwarded to the decision makers. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- 0-2-14** The comment provides a conclusory remark.

Comment Letter O-3



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

December 6, 2024

Ms. Shannon Vitale  
 City of Oceanside  
 Planning Division  
 300 North Coast Highway  
 Oceanside, CA 92054

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

**SUBJECT: Comments on Olive Park Apartments Project DEIR**

Dear Ms. Vitale:

Thank you for the opportunity to comment on the DEIR for the Olive Park Apartments project on behalf of the Buena Vista Audubon Society. The project involves development of 282 housing units on 43.5 acres near the College Boulevard Sprinter Station. Although the DEIR includes mitigation to reduce the impact of this large development, there are several issues not addressed by the DEIR that, if not mitigated, will have significant environmental impacts.

O-3-1

The DEIR contains incorrect dependence on the Oceanside Draft Subarea Plan for mitigating measures. Throughout the DEIR, there are statements that include “pursuant to the Subarea Plan” or “to ensure consistency with the Oceanside Subarea Plan”. The City has rejected the Subarea Plan. Please clarify how the mitigations and guidelines will be included in the absence of SAP adoption.

O-3-2

The conservation easement in perpetuity should include a preservation and monitoring program prepared to the satisfaction of the CDFS and USFWS. Longterm, ongoing monitoring for indirect impacts from the development and threat of illegal encampments is critical to prevent habitat degradation and loss. Deed restrictions are necessary to ensure compliance by future owners of the apartments.

O-3-3

Because of potential impacts from the very high density of new residents adjacent to this natural area, mitigation should include a landscape plan to restore degraded native habitat in the conservation easement, in addition to preservation of current native habitat. Also,

O-3-4

mitigations in the DEIR should reduce the impact of the current project, not as credits for other projects.

↑ O-3-4  
Cont.

Loma Alta Creek is a wetland wildlife corridor that is located along the northern border of the project, and requires a sufficient buffer in order to protect this sensitive riparian habitat. Wetland buffers should be defined in the conservation easement and not subject to reductions or other changes. In this instance, the DEIR states that *“because the Subarea Plan has not been approved by the City, these buffers and setbacks are subject to reduction based on approval from the City and the wildlife agencies.”* But the GPU VSR Policy 5-8 states, *“As part of any development approval, including conversions of agricultural to non-agricultural uses, require preservation, restoration, or enhancement of minimum 100-foot buffers of natural vegetation adjacent to existing wetland vegetation communities.”*

↑ O-3-5

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

↑ O-3-6

Sincerely,

Patti Langen  
Vice-President, Conservation Chair  
Buena Vista Audubon Society

## Response to Comment Letter O-3

Buena Vista Audubon Society  
December 6, 2024

- O-3-1** The comment provides an introduction to the comments that follow and gives a brief summary of the project. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- O-3-2** The comment argues that the DEIR improperly relies on the Oceanside Draft Subarea Plan (SAP) to mitigate project impacts. The commenter misstates the purposes served by the Draft EIR's reference to the draft SAP. The Draft EIR discloses that the Oceanside City Council has not approved the draft SAP. However, the City, and at least some resource agencies like CDFW, reference the draft SAP as a guidance document for development projects in Oceanside. Contrary to the comment's suggestion, none of the project's mitigation measures depend on the adoption of the draft SAP for the effectiveness of the mitigation. In fact, only MM-BIO-1 even references the draft SAP and it does so for the conservation area management guidelines that exist within the actual draft SAP. Those management guidelines actually exist, regardless of whether the draft SAP is ever approved, and the guidelines properly serve as an enforceable performance standard for evaluating compliance of the conservation easement with MM-BIO-1.
- O-3-3** The comment states that the proposed conservation easement should include a preservation and monitoring program approved by CDFS and USFWS. MM BIO-1 already satisfies this request. Per MM-BIO-1, the open space easement shall be managed, maintained, and monitored through implementation of a habitat management plan. Performance criteria identified in MM-BIO-1 for the habitat management plan will be used to assess the quality of habitat in the open space easement periodically and over the long-term, and any indirect impacts from threats such as the development and illegal encampments would be addressed through implementation of the habitat management plan. The City understands that both CDFW and USFWS will review and approve the final conservation easement as part of the project's resource agency permitting. Further, as requested by CDFWMM-BIO-1 now expressly states that CDFW and USFWS will be named as third-party beneficiaries of the open space easement, and the easement will be approved by CDFW and USFWS prior to its execution. The comment also states that deed restrictions are needed to ensure compliance by future apartment residents. Nothing further is required. The conservation easement will be recorded and provides perpetual protection for that property. Further, MM-BIO-2 requires exclusionary fencing to protect the open space area and MM-BIO-7 requires implementation of a resident education program related to the importance, preservation and protection of the protected open space area.
- O-3-4** The comment argues that mitigation should include a landscape plan for restoration of degraded native habitat in the conservation easement, in addition to preservation of the existing habitat in the easement, because of the potential impacts from the very high density of residents that would move in to the project and live adjacent to the natural area. The Draft EIR analyzes and discloses potential direct and indirect impacts of the proposed project on biological resources. Mitigation measures and project design features either avoid or reduce the potential project impacts to less than significant levels, as discussed in the DEIR. Measures to avoid and minimize potential long-term indirect impacts of the project on the proposed open space easement are included in the EIR, such as implementation of a habitat management plan and fencing requirements, and no additional restoration efforts or other

mitigation measures are required to support the Draft EIR's determination that the project's direct and indirect impacts to biological resources are less than significant. Finally, with respect to the comment about the potential for "credits for other properties", it is not known if the preservation of the open space area will create mitigation credits beyond those utilized by the project; however, if excess credits exist, the allocation of those credits will occur pursuant to applicable permitting processes and with any required consultation and/or concurrences by the applicable agencies.

**0-3-5** The comment mentions Loma Alta Creek and its location along the northern border of the project, and states that a sufficient buffer is required to protect its associated sensitive riparian habitat. The comment states that a 100' wetland buffer should be defined in the conservation easement. Loma Alta Creek enters the Parcel Area in the northwestern portion. The On-Site Impact Area and Off-Site Impact Areas are more than 300 feet east of the that area and the creek's mapped riparian vegetation associated. Neither the draft Subarea Plan nor the draft General Plan Update policy referenced in the comment are binding documents. Nonetheless, the portion of the Loma Alta Creek on the Parcel Area is located within the boundaries of the required conservation easement area that will preserve that area and more than a 100-foot buffer from the creek. Those facts, coupled with the On-Site and Off-Site Impact areas being at least 300 feet from the creek, the Draft EIR properly determined that project will have less than significant impacts as it relates to proximity to Loma Alta Creek. The location of Loma Alta Creek and a 100-foot buffer from the same on the Parcel Area in relation to the conservation easement boundary is shown on Figure 1 of the Errata to the Final EIR.

**0-3-6** The comment thanks the City for considering the contents of the letter and does not require a response.

Comment Letter O-4



Explore, Enjoy &  
Protect the Planet

December 12, 2024

Shannon Vitale, AICP  
Senior Planner  
City of Oceanside Planning Division  
300 North Coast Highway  
Oceanside, CA 92054

RE: Olive Park Apartments Project DEIR Comments

Dear Ms. Vitale:

On behalf of the Sierra Club, I am submitting comments for the proposed Olive Park Apartments (OPA) project, and its potential environmental impacts.

The proposed project embodies many Smart Growth principles which the Sierra Club supports and we believe this project will be an asset for Oceanside. Smart Growth creates more sustainable and resilient communities that provide housing for all income levels. Smart growth is located near established neighborhoods and encourages multimodal transportation which is vital to address the climate crisis by reducing GHG produced by gas-powered transportation. Support for smart growth is a natural corollary to the Sierra Club's opposition to sprawl. Sprawl promotes automobile dependence, destroys natural ecosystems, separates people from each other, increases social inequity, reduces economic security and increases carbon emissions.

**Smart Growth Features of OPA:**

- It is a transit-oriented development (TOD), located near a commuter train station (Sprinter) and will incorporate a walking and biking path to the station and a new platform to access the Sprinter from the OPA side (south). This feature will make the use of multimodal transportation much more accessible and should reduce car dependence.
- It is located within walking distance of multiple shopping centers and services, which also encourages multimodal transportation and reduces the dependence on cars for daily needs.
- Oceanside is experiencing a housing affordability crisis and this is a 100% affordable housing project. OPA can take advantage of tax credits and other incentives to add housing for the city's lower-income individuals and families who are underserved by the large majority of the proposed housing projects in the city. Underserving lower-income families and individuals in Oceanside's housing development is a pattern that has existed for several years.
- It is close to Oceanside Boulevard which is included in the city's proposed Smart and Sustainable Corridors Plan (SSCP) and provides convenient access to many services and employment centers.

O-4-1

O-4-2

The City of Oceanside Bicycle and Pedestrian Committee (OBPC) has submitted comments with specific recommendations to improve the safety of bicyclists and pedestrians and strengthen the multimodal aspects of OPA. We support the OBPC recommendations. The Sierra Club also supports the comments submitted by Preserve Calavera which discussed biological resources, habitat, GHG and transportation.

O-4-3

We also encourage these measures:

#### **Transportation Demand Management (TDM)**

The Sierra Club believes the OPA project should incorporate a comprehensive TDM plan which capitalizes on its proximity to the transit station to meaningfully reduce the climate impacts of the project. A TDM for this project which includes a reduced-cost NCTD transit pass for tenants and staff would be a valuable opportunity for NCTD to grow its ridership. The TDM plan should include reporting and monitoring.

O-4-4

#### **Parking Demand Management (PDM)**

Parking for cars is not free and in fact, is expensive to provide. We should not ignore the cost and how it discriminates against those that use active forms of transportation or drive less than average. Parking pricing and supply-side strategies should be reviewed for implementation. Parking pricing involves charging a fee for providing parking, whereas parking supply strategies involve restricting the supply of available parking. Unbundling parking from the standard rent through parking pricing would increase economic fairness and modal choice while reducing project VMT.

O-4-5

#### **GHG Mitigation**

The project developers have stated that the project will be all-electric and will install solar power to meet the State's Energy Code. All-electric construction reduces overall project GHG because the electric power provided in Oceanside contains a significant renewable component. It also eliminates the generation of on-site GHG, improving the air quality for the community. The need for and expense of gas infrastructure is also eliminated by all-electric construction.

O-4-6

The Sierra Club recommends the use of other mitigation measures that will lower the overall GHGs generated by the project, these measures include: install cost-effective, high-efficiency materials and equipment (ie. high efficiency heat pumps and heat pump water heaters) that minimize energy use, and install renewable power that exceeds the minimum code requirements.

Solar PV is not only a code requirement but an excellent investment opportunity for the project. Meeting the solar requirement will offset much of the cost of electric use at the project. The cost of installation is typically paid for by energy savings within ten years. The standard warranty for PV panels is 25 years which means the solar installation will be providing free energy for many years after its initial installation expense.

O-4-7

The project can take advantage of a 30% federal tax credit for the installation costs of the required solar PV system and batteries. This is a significant cost-saving benefit which drastically lowers the cost. The 30% tax credit is based on the system's total cost including equipment and installation. The tax credit for equipment includes panels, inverters, racking, step-up transformers, circuit breakers, batteries, sales tax, etc.

<https://www.energy.gov/eere/solar/federal-solar-tax-credits-businesses>

#### **Vision Zero and Oceanside Boulevard Speed Limit**

With the SSCP and projects like OPA, the City of Oceanside is encouraging multimodal transportation. Multimodal transportation is more sustainable and adds to the quality of life in our community, however

O-4-8



the City must also implement plans to ensure the safety of pedestrians and bicyclists. A 2019 study by UC Berkeley identified the top ten intersections in Oceanside for collisions involving pedestrians and bicycles. Four are on Oceanside Blvd.

The speed limit on Oceanside Blvd between College Blvd and El Camino Real is 55 mph. According to the AAA Foundation for Traffic Safety, a pedestrian struck by a vehicle traveling at 55 mph has a 10% chance of survival. With OPA and other planned development on Oceanside Blvd pedestrian and bicyclist traffic will increase. Additional safety improvements for pedestrians and bicyclists must be planned and implemented, they include: 1. Reducing lane size 2. Configuring intersection crosswalks to ensure pedestrian safety 3. Improving bicycle lanes 4. Adding wide sidewalks 5. Adding other traffic calming measures. The City also needs to reduce the speed limit on Oceanside Blvd. This should be done in steps starting with a 5 mph speed reduction in the 55 mph section of Oceanside Blvd as soon as it can be implemented.

The Sierra Club believes the safety and comfort of pedestrians and cyclists should be a primary goal of the City's traffic plans, not an afterthought. The City should actively support more measures recommended by Vision Zero.

Thank you for your consideration of our comments.

Sincerely,

Barbara Collins, Executive Committee Member

Sierra Club North County Coastal Group

O-4-8 Cont.

O-4-9

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## Response to Comment Letter O-4

Sierra Club  
December 12, 2024

- O-4-1** The comment expresses general support for the project and its Smart Growth principles. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- O-4-2** The comment lists what the author describes as the project's Smart Growth features including being a TOD, proximity to nearby shopping centers, inclusion of affordable housing, and proximity to the City's proposed Smart and Sustainable Corridors Plan. The comment describes benefits of the proposed project. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- O-4-3** The comment expresses support for the comments submitted by the Oceanside Bicycle and Pedestrian Committee and Preserve Calavera (Diane Nygaard). Responses to these comment letters are found herein under Response to Comment Letter O-3 and I-17, respectively. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- O-4-4** The comment opines that the project should include a comprehensive TDM plan which includes a reduced-cost NCTD transit pass for tenants and staff, and that the TDM plan include reporting and monitoring. Under CEQA, traffic impacts are analyzed using VMT. The Draft EIR demonstrates that the project will have less than significant traffic impacts. Therefore, CEQA does not require imposition of a TDM requirement on the project. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- O-4-5** The comment argues that priced parking being unbundled with the cost of rent in order to reduce VMT. As noted previously, the project will have less than significant impact relative to VMT without such a measure. Therefore, such a measure is not required by CEQA for this project.
- O-4-6** The comment mistakenly asserts that the applicant has said the project will be all electric. As disclosed in the Draft EIR and project materials, the project will provide on-site solar energy generation and will use very little natural gas. As Draft EIR Section 4.7 demonstrates, the project will have less than significant GHG impacts without being all electric. Therefore, the measures identified in the comment are not required by CEQA or otherwise. See also Response to Comment I-17-7.
- O-4-7** The comment opines that solar PV is not only a code requirement but also an investment opportunity. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required. Nonetheless, as disclosed in Draft EIR Section 3 and reflected in PDF-GHG-1, the project will comply with Oceanside Municipal Code section 3047 as it relates to the provision of on-site solar energy generation as part of the project.
- O-4-8** The comment acknowledges that the project will encourage use of multimodal transportation that is more sustainable. The comment encourages the City to reduce the speed limit on Oceanside Boulevard to address pedestrian and bicycle safety. This general comment will be forwarded to the decision

makers for consideration. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

- 0-4-9** The comment offers the opinion that safety and comfort of pedestrians and cyclists should be a primary goal of the City's traffic plans and the City should actively support measures recommended by Vision Zero. This general comment will be forwarded to the decision makers for consideration. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

**From:** Marco Poach <[poachm@gmail.com](mailto:poachm@gmail.com)>  
**Sent:** Friday, October 25, 2024 2:41 PM  
**To:** City Council <[Council@oceansideca.org](mailto:Council@oceansideca.org)>; [jfigueroa.oside@gmail.com](mailto:jfigueroa.oside@gmail.com);  
[tomdemooy4homes@gmail.com](mailto:tomdemooy4homes@gmail.com); [austinsorensendistrict3@gmail.com](mailto:austinsorensendistrict3@gmail.com);  
[laurabassett50@gmail.com](mailto:laurabassett50@gmail.com); [omar4oceanside@gmail.com](mailto:omar4oceanside@gmail.com); [amberkae4oside@gmail.com](mailto:amberkae4oside@gmail.com);  
[peterweiss2024@gmail.com](mailto:peterweiss2024@gmail.com)  
**Subject:** Urgent: Safety and Compliance Concerns Regarding Olive Park Apartments EIR

**Warning: External Source**

Dear City Council Members and potential new City Council members,

I am writing to formally submit my comments on the Environmental Impact Report (EIR) for the proposed Olive Park Apartments Project. After an extensive review of the EIR and its appendices, it is clear that the project, in its current form, poses severe risks to public safety and fails to comply with CEQA standards.

I-1-1

Key concerns include unstable landslide deposits, severe traffic congestion, inadequate emergency access, and excessive GHG emissions. The EIR's analyses are incomplete and inconsistent with the California Environmental Quality Act (CEQA) and other regulations. Moving forward with this project poses unacceptable dangers to public safety and fails to protect environmental resources. I would strongly urge the City to reject the project as currently proposed because the proposed development is fraught with safety risks, regulatory inconsistencies, and critical uncertainties, making the site fundamentally unsafe for high-density housing.

I-1-2

Here are the detailed findings:

**1. Air Quality and GHG Emissions (Appendix B)**

- **Excessive GHG Emissions:** The project exceeds the 900 MT CO<sub>2</sub>e/year threshold set by the City's Climate Action Plan. There is no clear, enforceable plan for long-term compliance with SB 32 and AB 32, violating state climate laws and increasing health risks.
- **Lack of Cumulative Impact Analysis:** The EIR fails to analyze the cumulative effects of air pollution from concurrent developments, violating CEQA requirements for comprehensive air quality impact assessments.

I-1-3

I-1-4

**2. Biological and Habitat Impacts (Appendix C)**

<ul style="list-style-type: none"> <li>○ <b>Impacts on Special-Status Species:</b> The site hosts potential habitats for species like Cooper's Hawk and Yellow Warbler. Mitigation measures are insufficient, lacking enforceable criteria to ensure long-term habitat sustainability.</li> </ul>	I-1-5
<ul style="list-style-type: none"> <li>○ <b>Wetland Loss:</b> The proposed 1:1 wetland mitigation ratio is inadequate, risking non-compliance with the Porter-Cologne Water Quality Control Act and failing to restore lost ecological functions.</li> </ul>	I-1-6
<p><b>3. Cultural Resource Preservation (Appendix D)</b></p> <ul style="list-style-type: none"> <li>○ Archaeological Site CA-SDI-10446 will be impacted without proper preservation-in-place strategies, violating CEQA's guidelines for cultural resource protection.</li> </ul>	I-1-7
<ul style="list-style-type: none"> <li>○ <b>Incomplete Tribal Consultation:</b> The AB 52 consultation is incomplete. It fails to address tribal cultural resources (TCRs) fully and risks non-compliance with state laws.</li> </ul>	I-1-8
<p><b>4. Geotechnical Risks (Appendix E1)</b></p> <ul style="list-style-type: none"> <li>○ <b>Landslide Hazards:</b> The site is underlain by active landslide deposits that pose significant stability threats. Remedial measures, including shear pins and slope buttresses, are recommended but lack clear plans for long-term stability monitoring. While California Building Code (CBC) Section 1803 focuses on initial site investigations and soil improvement measures, it does not mandate long-term monitoring. However, ongoing monitoring would be a best practice under CEQA to ensure structural safety and public welfare, given the severity of potential landslide risks.</li> </ul>	I-1-9
<ul style="list-style-type: none"> <li>○ <b>Settlement Risks:</b> Up to 5.5 inches of settlement is anticipated in some areas, especially near the western parking lot. Without adequate monitoring of these settlements over time, there could be risks of structural failure, emphasizing the need for proactive safety measures.</li> </ul>	I-1-10
<ul style="list-style-type: none"> <li>○ <b>Groundwater Concerns:</b> The absence of a clear dewatering strategy for potential groundwater emergence raises compliance issues with stormwater and groundwater management regulations, putting residents at risk of flooding and structural damage.</li> </ul>	I-1-11
<p><b>5. Unresolved Environmental Conditions (Appendix F)</b></p>	I-1-12

<ul style="list-style-type: none"> <li>○ <b>Residual Contaminants:</b> Potential pesticide contamination from historical agricultural use requires further soil testing, which was not included in the Phase I ESA. This raises compliance issues under Title 22 CCR for hazardous waste management.</li> </ul>	I-1-12 Cont.
<ul style="list-style-type: none"> <li>○ <b>Wetland Preservation:</b> The presence of wetlands, designated by the National Wetlands Inventory, requires further assessment to ensure compliance with the Clean Water Act.</li> </ul>	I-1-13
<b>6. Drainage and Flood Management (Appendix G1)</b>	
<ul style="list-style-type: none"> <li>○ <b>Flood Risk to Loma Alta Creek:</b> The development will increase runoff into Loma Alta Creek, a known flood-prone waterbody. The absence of a comprehensive flood management strategy could result in non-compliance with CDFW requirements and floodplain management laws.</li> </ul>	I-1-14
<ul style="list-style-type: none"> <li>○ <b>Stormwater Management Uncertainty:</b> Proposed underground storage facilities may not be effective for managing runoff during a 100-year storm event, raising compliance concerns with the San Diego County Hydrology Manual.</li> </ul>	I-1-15
<b>7. Noise Impacts (Appendix H)</b>	
<ul style="list-style-type: none"> <li>○ <b>Construction Noise:</b> Noise levels during construction are projected to exceed acceptable levels at nearby sensitive receptors, potentially violating the City of Oceanside Noise Control Ordinance.</li> </ul>	I-1-16
<ul style="list-style-type: none"> <li>○ <b>Operational Noise:</b> Cumulative noise from HVAC, rail, and traffic sources is not fully analyzed, raising compliance issues with CEQA's cumulative noise assessment requirements.</li> </ul>	I-1-17
<b>8. Traffic and Congestion (Appendix I2: Local Transportation Study)</b>	
<ul style="list-style-type: none"> <li>○ <b>Severe Traffic Congestion:</b> The intersection of College Blvd and Olive Drive is projected to operate at Level of Service (LOS) E/F by 2050, which violates the City of Oceanside Traffic Guidelines that require mitigation to maintain LOS D or better.</li> </ul>	I-1-18
<ul style="list-style-type: none"> <li>○ <b>Inadequate Emergency Access:</b> The single public access point does not comply with California Fire Code Section 503 for high-density developments, increasing evacuation risks during emergencies.</li> </ul>	I-1-19
<b>9. Water and Sewer Service Limitations (Appendix J &amp; Appendix K)</b>	I-1-20

<ul style="list-style-type: none"> <li>○ <b>Water Pressure Issues:</b> Fluctuations in water pressure may exceed the limits set by the California Plumbing Code, potentially affecting residents' access to reliable water service.</li> </ul>	I-1-20 Cont.
<ul style="list-style-type: none"> <li>○ <b>Sewer Capacity Concerns:</b> The existing sewer infrastructure may not handle the projected increase in wastewater flow, violating the City of Oceanside Sewer System Design Guidelines and increasing the risk of sewer overflows.</li> </ul>	I-1-21
<b>10. Parking and Transit Accessibility Concerns (EIR)</b>	
<ul style="list-style-type: none"> <li>○ <b>Inadequate Parking Provision (Section 4.15.4):</b> While the project meets the minimum requirements for a 100% affordable housing development, the 346 parking spaces provided may not be sufficient given the limited utility of the nearby Sprinter line, which only serves routes between Downtown Oceanside and Escondido. Overflow parking into surrounding streets is a likely outcome, which could violate the California Vehicle Code if it impedes traffic flow or emergency vehicle access.</li> </ul>	I-1-22
<ul style="list-style-type: none"> <li>○ <b>Misleading VMT Reduction Claims (Section 4.15):</b> The EIR's designation of the project as a "Vehicle Miles Traveled (VMT) reducing project" due to its proximity to a transit station overstates the impact of the Sprinter line, as it does not connect to major employment hubs like Carlsbad or San Diego. As a result, most residents will continue to rely on personal vehicles, undermining the VMT reduction claims.</li> </ul>	I-1-23
<ul style="list-style-type: none"> <li>○ The <b>Notice of Preparation (NOP)</b> and the public's initial comments, but it appears that the responses provided do not fully address many concerns, particularly those related to traffic, emergency access, and potential geotechnical risks. This suggests a <b>lack of comprehensive stakeholder engagement</b>, which is required under <b>CEQA guidelines Section 15082</b>, to ensure thorough scoping of potential impacts</li> </ul>	I-1-24
<b>Conclusion: Unresolved Risks Demand Rejection</b>	
<p>The cumulative effect of these findings is clear: this site is unsafe for high-density development. The EIR is riddled with inconsistencies, incomplete analyses, and insufficient long-term safety and compliance monitoring plans. Approving this project in its current form endangers residents and places the City at legal risk due to apparent non-compliance with CEQA and other regulatory requirements.</p>	I-1-25
<p>I strongly urge the City to reject the Olive Park Apartments Project as currently proposed due to these significant safety risks and unresolved uncertainties.</p>	I-1-26



Thank you for your attention to this critical matter.

Sincerely,  
Marco Poach



I-1-26 Cont.

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## Response to Comment Letter I-1

Marco Poach  
October 25, 2024

- I-1-1** The comment provides introductory text to the comments that follow.
- I-1-2** The comment summarizes the topics addressed in more detail in comments I-1-3 through I-1-24. The commenter offers opinions and a request that the City reject the proposed project, none of which require a response.
- I-1-3** The comment inaccurately describes the function of the 900 MT CO<sub>2</sub>e/year emissions level identified in the City's adopted Climate Action Plan (CAP). The CAP identifies that level of emissions as a screening threshold. The CAP establishes that emissions less than 900 MT CO<sub>2</sub>e/year as presumptively less than significant. The CAP, which the City adopted in accordance with the CEQA Guidelines and to demonstrate consistency with applicable state and local GHG regulations and policies, provides that developments projected to exceed 900 MT CO<sub>2</sub>e/year must demonstrate consistency with the CAP. As stated in Section 4.7, Greenhouse Gas Emissions of the Draft EIR, the project's total annual operational emissions were combined with amortized (20 years) construction emissions and compared to the recommended 900 MT CO<sub>2</sub>e screening threshold. As shown in Table 4.7-6, the project is above the screening threshold as the project would result in approximately 1,671 MT CO<sub>2</sub>e per year.

Per the CAP, new development projects that emit more than 900 MT CO<sub>2</sub>e annually could have a considerable contribution to cumulative GHG impacts if those projects are inconsistent with the CAP Consistency Checklist. As described in Draft EIR Section 4.7, and the CAP, projects consistent with the CAP Consistency Checklist ensure that the specific emissions targets identified in the City's CAP can be achieved and impacts would be less than significant.

The City's CAP is aligned with state-aligned reduction targets identified in the 2017 Scoping Plan and Executive Order S-03-05 for 2030 and 2050, respectively. In fact, the CAP identified substantially more aggressive targets than the state-aligned targets. The 2022 CARB Scoping Plan Appendix D similarly recognizes consistency with a CEQA-qualified GHG reduction plan such as the City's formally adopted CAP as the first option for evaluating potential GHG emission impacts under CEQA.

The comment does not recognize, as disclosed in this response and the Draft EIR Table 4.7-7, Climate Action Plan Consistency Checklist and Project Consistency, that the proposed project is consistent with the CAP Consistency Checklist adopted by the City to ensure that the GHG emission targets identified in the CAP are achieved. As contemplated by CEQA and the CAP, the project's consistency with the CAP checklist serves as part of the substantial evidence supporting the Draft EIR's determination that the proposed project will not generate GHG emissions that may have a significant impact on the environment, and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG.

The comment also asserts that there is no clear, enforceable plan for long-term compliance with SB 32 and AB 32, violating state climate laws and increasing health risks. As discussed above, the project is consistent with the City's CAP which is aligned with state reduction targets identified in SB 32 and AB 32. The City's CAP, which was adopted consistent with the CEQA guidelines and is integrated in the

City's General Plan, ensures that all new development complies with the established GHG reduction measures. Project elements that demonstrate compliance with the CAP Checklist, such as the provision of on-site renewable energy, are enforced by the City under the City's Municipal Code provisions implementing the CAP (e.g. Zoning Code sections 3047 to 3050), project conditions of approval, PDF-GHG-1 regarding sustainability matters, and/or the approved project plans. Thus, the record does not support the comment's argument related to the GHG's analysis and determinations regarding the significance of the project's GHG impacts.

**I-1-4**

The comment asserts that the Draft EIR fails to analyze the cumulative effects of air pollution from concurrent developments. As stated in Draft EIR Chapter 6, Cumulative Effects, Section 6.4.2 Air Quality, air pollution is largely a cumulative impact, which is measured cumulatively by air basin. The project is in the San Diego Air Basin, and the San Diego Air Basin is considered the cumulative air quality study area. The San Diego Air Basin is a federal (National Ambient Air Quality Standards) nonattainment area for ozone, and a state nonattainment area for ozone and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). PM<sub>10</sub> and PM<sub>2.5</sub> emissions associated with construction generally result in near-field impacts.

As discussed in Draft EIR Section 4.2, Air Quality, the potential for a project to result in a cumulatively considerable impact (per the SDAPCD guidance and thresholds) is based on the project's potential to exceed the daily emission thresholds established for the San Diego Air Basin. Draft EIR Section 4.2 includes the required cumulative analysis of the project's air quality emissions against those thresholds. Because the project's maximum construction and operational emissions would not exceed the SDAPCD significance thresholds for volatile organic compounds, oxides of nitrogen, carbon monoxide, oxides of sulfur, PM<sub>10</sub>, or PM<sub>2.5</sub>, the Draft EIR properly determined that the project would not result in a cumulatively considerable increase in criteria air pollutants.

**I-1-5**

The comment argues that the mitigation measures for species habitat like Cooper's Hawk and Yellow Warbler lack enforceable criteria to ensure long-term habitat sustainability.

As stated in Draft EIR Section 4.3, Biological Resources, three special-status species were detected in or adjacent to the Parcel Area or Off-Site Impact Area: the Cooper's hawk (*Accipiter cooperii*), yellow warbler (*Setophaga petechia*), and monarch (*Danaus plexippus plexippus*). Any potentially significant impact due to the project's disturbance of suitable habitat for special-status wildlife species with potential to occur in the On-Site and Off-Site Impact Areas as analyzed in the BTR, including Cooper's hawk and yellow warbler, would be mitigated to less than significant through the on-site preservation of 8.19 acres of sensitive habitat (including approximately 2 acres of Loma Alta Creek) as part of the project's establishment of the 32.63-acre on-site conservation easement area as required by MM BIO-1. As demonstrated by MM BIO-1, which is included in the project's legally enforceable Mitigation Monitoring and Reporting Program, long-term habitat sustainability will be ensured through implementation of the habitat management plan. That plan requires the applicant, with oversight by the City, to record the conservation easement over the compensatory on-site mitigation areas, retain a qualified resource manager and fund perpetual management of the conserved area by that manager through establishment of an endowment or other non-wasting financial mechanism. Thus, the record reflects that the EIR includes a CEQA compliant mitigation measure that outlines specific requirements for enforcement and supports the Draft EIR's analysis and determination that the project will have less than significant impacts on the two special-status species identified in the comment.

Although the original MM-BIO-1 satisfied all CEQA requirements and supported the Draft EIR's less than significance determination, MM-BIO-1 has been modified in the Final EIR in response to this and other comments. The modifications clarify that impacts to sensitive vegetation communities will be reduced to less than significant levels through preservation of the requisite habitat in perpetuity. Additional revisions include clarifications regarding the performance standards and the elements required for a Property Analysis Report (PAR) within the Habitat Management Plan; and, as requested by CDFW, expressly noting that USFWS and CDFW would be third-party beneficiaries to the open space easement. These revisions to MM-BIO-1 are shown in ~~strikeout~~ underline format in the Final EIR, Section 4.3, Biological Resources.

**I-1-6** The comment offers an opinion that the proposed 1:1 wetland mitigation ratio is inadequate, risking non-compliance with the Porter-Cologne Water Quality Control Act and failing to restore lost ecological function. As disclosed in Draft EIR Section 4.3, the project will result in impacts to approximately 0.01 acres of non-federal, non-wetland waters comprised of an isolated swale and an erosional gully subject to regulation by the Regional Water Quality Control Board (RWQCB). Both features are highly disturbed, highly erosive features that lack wetlands vegetation, lack hydraulic and topographic stability and lack hydrologic connectivity to Loma Alta Creek. As a result, the functions and values the two non-wetland water features provide are low. Based on the quality, location and nature of the resources and other relevant factors, the biological resource experts evaluating the project, to avoid a permanent significant impact to the 0.01 acres of non-wetland waters, included in the project design (See PDF-BIO-2) an element that will result in the no net loss of ecological function through either the purchase of RWQCB approved credits or another form of mitigation at a 1:1 ratio. The ratio identified in PDF-BIO-2 is appropriate and sufficient given the specifics of the aquatic resources in question and is consistent with the state and federal no net loss mitigation standard, a standard implemented and enforced by the Regional Water Quality Control Board to ensure aquatic resource impacts are appropriately addressed and any potential impacts are less than significant. Specifically, the project is required to comply with the state Porter-Cologne Water Quality Control Act and as such is required to obtain a Notice of Applicability from the Regional Water Quality Control Board under the "*Statewide General WDRs for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction*" (Water Quality Order 2004-0004-DWQ)" prior to construction. Thus, through implementation of PDF-BIO-2 and compliance with the permitting requirements imposed by applicable law, the project would have less than significant impacts as a result of the disturbance of the 0.01 acres of non-federal, non-wetland waters identified in the Draft EIR. As the Draft EIR discloses, the applicant has been communicating directly with and will continue to work closely with the Regional Water Quality Control Board to ensure the project's impacts to those non-wetland waters are addressed in a manner consistent with applicable laws and that no net loss of ecological functions results from the project.

**I-1-7** The comment pertains to archeological resources and specifically site CA-SDI-10446. The commenter assumes that the site mentioned is a culturally significant resource as defined by CEQA. As stated in Draft EIR Appendix D, Cultural Resources Report, CA-SDI-10446 has undergone a testing program, was evaluated for significance under CEQA, and does not qualify as a significant archaeological resource under CEQA. No significant archaeological resources were identified, and the project would implement the City's standard cultural mitigation measures to ensure project development would not result in potentially significant impacts to cultural resources.

**I-1-8** The comment states that the AB 52 consultation is incomplete. At the time of the release of the Draft EIR for circulation, AB 52 had been initiated and the City has held consultations with San Luis Rey Band and Rincon Band of Luiseno Indians. As required by law, those consultations will be completed prior to certification of the Final EIR. CEQA does not require completion of AB 52 consultations prior to the release of a draft EIR. Draft EIR Section 4.16 includes the CEQA required analysis and disclosure of the project's potential to have significant tribal cultural resource impacts. Section 4.16, Tribal Cultural Resources of the Final EIR has been updated to reflect the consultation process and outcomes.

**I-1-9** The comment offers the author's opinion about the Draft EIR's geotechnical analysis asserting that landslide hazards exist and that proposed remedial measures lack long-term monitoring. As stated in Draft EIR Section 4.6, Geology and Soils, the field reconnaissance and the local geologic maps indicate the Parcel Area is generally underlain by geologic structure that consists of massively bedded silty to clayey sands and sandy to silty clays, and gently sloping topographic conditions. Landslide debris was identified by the Geotechnical Report within an area to be disturbed by the project and it would be removed and recompacted within the area of the proposed building as a component of project construction in accordance with the standards established by the Geotechnical Report and applicable building code requirements.

As disclosed in the Draft EIR (pursuant to the Geotechnical Report, the CBC's specific performance standards and Chapter 2 of the City of Oceanside's Engineers Design and Processing Manual), the project slopes must be analyzed and constructed such that they possess a factor of safety of at least 1.5 in accordance with normal design procedures and city requirements. The proposed slopes will possess a factor of safety of at least 1.5 after the grading operations and implementation of the measures identified in the Geotechnical Report. To achieve that factor of safety, the slope will require buttressing and shear pins. As stated in Draft EIR Section 4.6 Geology and Soils, the project would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse subsequent to construction. With implementation of all recommendations outlined in the Geotechnical Report (Appendix E1) and adherence to the City of Oceanside's Engineers Design and Processing Manual and other applicable requirements, potential impacts related to liquefaction, spreading, subsidence, collapse, and unstable soils would be less than significant. Therefore, through compliance with applicable regulatory standards and implementation of required remedial measures, the project would not directly or indirectly cause potential substantial adverse effects including the risk of loss, injury, or death involving landslide.

With respect to the assertion that CEQA requires on going monitoring of a project where remedial grading is performed, the comment offers no support for that argument. To the contrary, the *Engineers Design and Processing Manual* prepared by the City of Oceanside does not require monitoring for landslide buttress stabilization. The geotechnical report has been reviewed by the City of Oceanside and has been accepted for the proposed development.

**I-1-10** The comment quotes from the disclosure in the Draft EIR that up to 5.5 inches of settlement is anticipated in an area of the project's development area and the author then speculates that without adequate monitoring there could be risks of structural failure. As identified in the Draft EIR and the project's Geotechnical Report (Appendix E1), the potential exists for up to approximately 5.5 inches of settlement to occur due to fill loads in the western parking lot subsequent to initial grading if the measures identified in the Geotechnical Report are not implemented. In contrast, as the Geotechnical

Report discloses, with the remedial grading work required of the project the surficial materials will be excavated and compacted fill will be placed within the building area overlying formational materials; therefore, the construction of the building and improvements on the eastern portion of the site can occur subsequent to the grading operations without a settlement monitoring period.

Based on the recommendations in Appendix E1, the project's grading in the area of the proposed parking lot at the western edge of the Net Developable Area will leave surficial soil in place. Appendix E1 (Section 8.10) discloses that, after the initial grading work, a potential exists for that area to experience settlement of up to 5.5 inches and the Geotechnical Report identifies a settlement monitoring program the project will implement in the area of the future parking lot. This settlement monitoring effort would occur before installation of utilities, final grading and construction of the parking lot improvements. As identified in the Geotechnical Report the settlement monitoring of the future parking lot would likely occur over a 6-month period. However, the Geotechnical Report discloses that the settlement monitoring timeframe can be reduced if the stabilization performance criteria identified in the report are achieved earlier. The settlement due to primary consolidation will be considered to have ceased when survey readings show a relatively level plateau of settlement data over 4 consecutive weekly readings.

At the time of stabilization, Geocon will prepare a report to be provided to the City for approval regarding the results of the settlement monitoring. As noted above, improvements in the future parking that are sensitive to the estimated settlements (i.e., underground wet utilities) would not be installed until after stabilization is achieved, as excessive settlements would occur with the placement of compacted fills, and after the monitoring program shows the primary consolidation is relatively complete. The geotechnical experts have determined that, given the project must comply with the measures identified in the Geotechnical Report, the commenter's opinions about risks of structural failure are speculative.

**I-1-11** As stated in Section 4.6, Geology and Soils, groundwater was encountered at a depth of approximately 7 to 13 feet below existing ground surface on the western portion of the Parcel Area that will not be developed and was not encountered below the Net Developable Pad. Thus, commenter's opinion is not supported by the Parcel Area specific technical studies. In the event that groundwater is encountered during deep utility excavations for the project, the DEIR and Appendix E1 disclose that dewatering would likely occur during utility installation work. However, the project geotechnical engineer reviewed the comment and clarified that the dewatering referenced in the Geotechnical Report would only be performed where groundwater is encountered during construction. The reference in the Geotechnical Report to the potential for dewatering reflects the practical reality that the contractor performing the work would perform dewatering on a temporary basis for the installation of the proposed utilities, where encountered. Therefore, the potential for temporary dewatering referenced in the Geotechnical Report will not put residents at risk of flooding and structural damage would not occur.

If necessary, dewatering activities would be an allowed activity under the project's Construction General Permit (CGP). The CGP is an approval the project must obtain as required by law because the project grading will be greater than 1-acre in size. The CGP imposes requirements as detailed in Attachment J of the 2022 CGP that ensure, dewatering activities are monitored and reported (SWRCB 2022) to assure the dewatering occurs in compliance with applicable water quality standards.

In addition, the project is required to comply with the NPDES State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ for stormwater discharges and general



construction activities and incorporate standard BMPs such as regular cleaning or sweeping of construction areas and impervious areas, and runoff controls. In compliance with the Construction General Permit Order 2009-0009-DWQ, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared for the project that specifies BMPs that would be implemented during construction to minimize impacts to water quality. Construction activity subject to this permit include clearing, grading and disturbances to the ground such as stockpiling, or excavation. Compliance with the General Construction Permit, SWQMP, SWPPP, and BMPs would ensure construction-related impacts to water quality would not occur. Construction of the project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality

Furthermore, Chapter 40 of the City of Oceanside Municipal Code is known as the Urban Runoff Management and Discharge Control Ordinance. The overall intent of this ordinance is to “protect the health, safety, and general welfare of City residents; to protect water resources and to improve water quality; to cause the use of management practices by the City and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the City is compliant with applicable state and federal law” (City of Oceanside 2021). General provisions of the Urban Management and Discharge Control Ordinance include compliance with the current and applicable RWQCB discharge permits, requirements for discretionary approvals subject to discharge control, development of Urban Runoff Standards Manuals, and designations for permitted use of collected stormwater.

Lastly, the City of Oceanside BMP Design Manual addresses updated on-site post-construction stormwater requirements for Standard Projects and Priority Development Projects, and provides updated procedures for planning, preliminary design, selection, and design of permanent stormwater BMPs based on the performance standards presented in the MS4 Permit. At the local level, the intended users of the BMP Design Manual include project applicants for both private and public developments, their representatives responsible for preparation of SWQMPs, and co-permittee (City of Oceanside) personnel responsible for review of these plans (City of Oceanside 2022). It may also be noted that post-construction storm water facilities for Priority Projects are incorporated into the City’s Structural BMP Inventory and subject to periodic inspection and maintenance in perpetuity. In summary, contrary to the unsubstantiated arguments in the comment, substantial evidence supports the Draft EIR’s determination that the project would have less than significant impacts related to stormwater and groundwater management. Thus, substantial evidence supports the Draft EIR’s determination that if groundwater is encountered, flooding and structural damage would not occur and that any potentially impacts related to groundwater would be less than significant.

- I-1-12** The comment asserts that the potential for pesticide contamination from historical agricultural use requires further soil testing. Based on that erroneous assumption, the comment argues the project raises compliance issues under Title 22 CCR for hazardous waste management. As described in the Draft EIR Section 4.8 and the Phase I ESA (Appendix F), a small portion on the western side of the Parcel Area appears to have been used for agricultural purposes from 1939 through at least 1953, making it possible that pesticides were used. The potential use of the western side of the Parcel Area for agricultural use is a determination based on the Phase I ESA’s research of the parcel’s history. This finding is not a recognized environmental condition (REC) as per ASTM E-1527-21 and does not require testing. Please refer to section 5.2.1 of the Phase I ESA. The Draft EIR discloses that proper pesticides applications, if any, only used small amounts and were of a nature to be relatively immobile and unlikely



to, readily leach downward to groundwater. The Draft EIR also discloses that the historic presence of Loma Alta Creek on site and north of the site likely resulted in significant water crossing the Parcel Area, especially prior to more modern flood control improvements, thereby washing away any chemicals that may have been used.

The Draft EIR's analysis goes on to explain that the area of potential pesticide use was very small and the agricultural use has not been present for at least 60 years and likely longer. Based on the totality of the evidence, the Draft EIR and the Phase 1 EAS, applied the applicable regulatory standards for whether the potential pesticide use qualifies as a recognized environmental condition. The qualified professionals who prepared the Phase 1 ESA determined that that potential for pesticide use many decades ago on portions of the Parcel Area do not qualify as recognized environmental conditions, controlled recognized environmental conditions, historical recognized environmental condition, de minimis conditions, or significant data gaps in connection with the subject property. Thus, the record does not support the comment's opinion that the project raises hazardous waste management compliance issues. The Draft EIR properly determined that project impacts are less than significant and additional investigations related to the potential for pesticide use are not deemed necessary.

**I-1-13** The comment offers the conclusory assertion that the presence of wetlands, designated by the National Wetlands Inventory, requires further assessment to ensure compliance with the Clean Water Act. No further assessment is required as the Draft EIR discloses the analysis performed with respect to the project's compliance with wetland related regulations such as the Clean Water Act. A jurisdictional delineation was conducted by Dudek senior biologists and wetland scientists Callie Amoaku and Kathleen Dayton on January 19, 2024. The results of the delineation identified jurisdictional aquatic resources associated with Loma Alta Creek, totaling 1.97 acres, and two isolated, non-wetland features, totaling 0.01 acre. The aquatic resources associated with Loma Alta Creek, totaling 1.97 acres, are comprised of disturbed southern willow scrub and freshwater marsh and a 100-foot wide buffer for those resources will be completely avoided by the project. Because these resources will be avoided by the project, and for other reasons disclosed in the Draft EIR, the Draft EIR properly determined that the project would have less than significant impacts as it relates to those resources. The two isolated, non-wetland features, totaling 0.01 acre, are located within the development footprint. Based on the quality, location and nature of the resources and other relevant factors, the biological resource experts evaluating the project, to avoid a permanent significant impact to the 0.01 acres of non-wetland waters, included in the project design (See PDF-BIO-2) an element that will result in the no net loss of ecological function through either the purchase of RWQCB approved credits or another form of mitigation at a 1:1 ratio. Therefore, substantial evidence supports the Draft EIR's determination of less than significant impacts with respect to the wetlands related CEQA threshold. Also see Response to Comment I-1-6.

**I-1-14** The comment asserts that the project will increase runoff into Loma Alta Creek and offers an opinion that the absence of a comprehensive flood management strategy could result in non-compliance with CDFW requirements and floodplain management laws.

As stated in Draft EIR Section 4.9, Hydrology and Water Quality, Runoff from the western and southern undisturbed slopes will be collected by catch basins and brow ditches installed as part of the project design and routed directly to the discharge points without commingling with the onsite untreated flows from areas the project will not disturb, either via bypass storm drains or brow ditches. As the Draft EIR, Drainage Study (Appendix G1) and Stormwater Plan (Appendix G2) disclose, the system of stormwater

improvements will convey the aforementioned flows and the offsite flows (from Olive Drive) to their designated discharge points northeast and northwest of the Total Impact Area. Here, they would combine with the onsite treated flows and proceed westerly to Loma Alta Creek.

The technical analysis included in the Draft EIR demonstrates that the proposed project development and resulting peak runoff would not have an adverse effect on the downstream watershed and existing infrastructure. The analysis demonstrates that the project design would ensure that peak flow rates from the development do not exceed the pre-project peak flow rates downstream of the project. The existing municipal storm drain system has sufficient conveyance capacity to accept the proposed runoff from the site, which would be reduced by the proposed on-site drainage improvements (Appendix G1). In sum, any potential for an overall increase in runoff from the Parcel Area due to project development, with implementation of the proposed underground detention basins and other stormwater measures the project is required to implement by law and under the project design, runoff would reduce peak flows such that no additional capacity within the existing or planned stormwater drainage system would be required (Appendix G1).

Further, contrary to the commenter's opinion, the record reflects that project run-off does not result in non-compliance with CDFW requirements. By way of example, the project does not result in impacts to stream resources regulated by CDFW and as such a Streambed Alteration Agreement from CDFW is not required for the project. As discussed in Comment I-1-11, the project will not violate applicable standards as it relates to project runoff into Loma Alta Creek.

Lastly, with respect to the comment about floodplain management, as discussed in the previous paragraphs the Draft EIR's analysis and technical studies demonstrate that implementation of the project would use the same drainage points and would not increase the rate of flows leaving the Parcel Area. The Onsite Impact Area and most of the Offsite Impact Area is located in an unshaded FEMA FIRM Zone X, which is defined under floodplain management laws as "Areas determined to be outside the 500-year floodplain." The Draft EIR demonstrates that the project complies with applicable floodplain management significance criteria as the project would not alter the existing drainage pattern of the site or area in a manner which would impede or redirect flood flows. As demonstrated by the Drainage Report and other analysis identified in the Draft EIR, the design of those improvements within and adjacent to the FEMA designated 100 year flood plain/floodway would also not substantially alter the existing drainage pattern, and, would not alter the course of a stream or river or through the addition of impervious surfaces in a manner that would impede or redirect flood flows.

In conclusion, the project would not increase runoff into Loma Alta Creek and the project would be in compliance with CDFW requirements and floodplain management laws

**I-1-15**

The comment speculates that the proposed underground storage facilities "may not be effective for managing 100-year storm event", raising concerns with the San Diego County Hydrology Manual. As demonstrated in Appendix G1, the proposed underground storage facilities have been designed to comply with the County Hydraulic Design Manual and City standards. The project plans and studies related to this issue were prepared by experienced design professionals and all their work has been reviewed and validated by the relevant experts employed by the City. Thus, substantial evidence supports the Draft EIR's conclusions regarding the project and stormwater management.

**I-1-16** The comment asserts without supporting information that construction noise would exceed acceptable levels at nearby sensitive receptors “potentially violating” the City’s Noise Control Ordinance. To the contrary, the Draft EIR incorporates a project specific noise analysis related to construction activities. That noise analysis takes into consideration, among other factors, the nature of the project, the construction equipment required, the projected construction phasing, regulatory requirements and project design features such as PDF-NOI-1 that acknowledges the project will incorporate specific construction noise reduction features (i.e., sound muffling devices; positioning of stationary equipment; temporary noise barrier; and adherence to allowable hours for construction). As stated in Section 4.11, Noise, the project would result in less than significant construction noise impacts and would comply with applicable noise standards.

By way of example of the analysis performed, the Draft EIR evaluated the potential for significant project construction noise impacts on the residentially zoned properties south of the proposed emergency only ingress/egress road that would be directly adjacent to construction activity. Those properties are separated from the construction by a topographical noise barrier between the road and the receptors as the residences are approximately 10 to 25 feet above the construction area and separated by fencing. This topographical break functions the same as a barrier and is treated as such by the RCNM analysis. As shown Appendix H and disclosed in the Draft EIR, construction noise levels would not exceed applicable standards of the City or otherwise. Similarly, residentially zoned properties along the project’s eastern boundary would be directly adjacent to the proposed off-site right-of-way and utility connection improvements within the Olive Drive right-of-way and near on-site construction activities. Again, the Draft EIR’s analysis demonstrates that the construction noise impacts for noise sensitive receptors potentially exposed to project construction activity would be less than significant.

**I-1-17** The comment claims that cumulative noise from HVAC, rail, and traffic sources “is not fully analyzed”, raising compliance issues with CEQA’s cumulative noise assessment requirements. The comment does not address the specifics of the Draft EIR’s analysis nor does it offer support for the opinion expressed. Draft EIR Section 4.11 discloses the potential for noise associated with the project’s HVAC units as well as rail and traffic noise sources.

As demonstrated by the analysis in Draft EIR Section 4.11 and Tables 4 and 5 of Appendix H, on-site operational noise, attributable to HVAC and other operational noise elements of the project, is predicted only in the vicinity of the project and does not result in a cumulative operational noise impact. The highest predicted on-site operational noise level at nearby noise sensitive receptors was 40 dBA, well below the lowest of the City’s thresholds of 50 dBA at night, and that number would attenuate further with distance and occlusion by objects and topography. Additionally, noise sources closer to other cumulative projects would dominate the ambient environment in those areas. Therefore, on-site operational noise would not be cumulatively considerable.

As shown in Table 4.11-6 in Section 4.11, the project’s traffic-related impacts would not be cumulatively considerable. As addressed in the Final EIR, the project’s traffic-related impacts would result in a 0.1-decibel or less increase along some of the area roadways, which is not perceptible (Appendix H, Section 1.4.4), and in locations where the noise increase from the project would be perceptible, noise levels would be a maximum of 55 dBA CNEL (Table 4.11-6), which is less than the City’s transportation noise threshold of 65 dBA CNEL.

As described in Section 4.11, the highest predicted existing rail noise level on the project site is 59 dBA  $L_{dn}$ . The Final EIR summarizes the Section 4.11 and Appendix H information regarding cumulative project contributions of noise where it states that with the addition of the cumulative with project traffic, noise levels would be 55 dBA CNEL (Table 4.11-6), rail noise would be 59 dBA  $L_{dn}$ , and operational noise from the project (including HVAC) within the project site would be 48 dBA  $L_{dn}$  (42 dBA  $L_{eq}$  daytime specified in Figure 5 of Appendix H and nighttime level converted to  $L_{dn}$ ). When these sound pressure levels are combined in accordance with the principles of sound propagation, the cumulative noise level would be 61 dBA at applicable sensitive receptors, which is less than the City's transportation noise threshold of 65 dBA CNEL (see Final EIR Appendix H).

Final EIR Chapter 6, Cumulative Effects, addressed cumulative project noise; however, clarifications have been made in the Final EIR to more clearly describe the support that exists for the Draft EIR's determination that the project's cumulative operational noise impacts, including those related to HVAC, rail, and traffic noise sources, are less than significant. See the Final EIR Section 4.11 and Chapter 6.

**I-1-18** The comment misstates the City of Oceanside Traffic Guidelines as it relates to the Draft EIR's disclosure that the intersection of College Boulevard and Olive Drive is projected to operate at LOS E/F by 2050. As vehicle miles travelled is now the CEQA methodology to evaluate whether a project has significant traffic impacts, the City's Traffic Guidelines only use LOS to evaluate whether a project's contribution to LOS on the roadway system is considered to justify the need for roadway improvements. The project's Local Transportation Study (LTS) demonstrates that the project would not cause an exceedance of the LOS D standard. The Draft EIR explains that the 2050 E/F LOS is projected to occur without the addition of any traffic from the project. As stated in the City of Oceanside's Traffic Guidelines, and disclosed in the LTS, if a project contributes 2.0 seconds or more of delay to an intersection than a project may need to contribute to roadway improvements that would reduce the project's contribution. The LTS discloses that, in the cumulative 2050 condition, the project would contribute 14.6 seconds of delay (more than the 2.0 second standard) at the College Boulevard/Olive Drive intersection that will operate at LOS E or F without the project. The record reflects that specified improvements to the College Boulevard/Olive Drive intersection would more than eliminate the project's contribution to delay in the cumulative 2050 scenario. The project will be conditioned to make a fair share contribution for the project's share of the improvement costs. Therefore, as disclosed in the Draft EIR, the project is consistent with the Oceanside Traffic Guidelines standards.

**I-1-19** The comment asserts that a single public access point for the project does not comply with the California Fire Code Section 503 for high-density developments. California Fire Code Section 503.1.2 – Fire Apparatus Access Roads, merely gives the fire code official the discretion to require more than one fire apparatus access road if various circumstances justify such an improvement.

However, California Fire Code Section D106.2 states that "Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system". As stated in Section 4.15, the project would provide one public access point from Olive Drive, which would also serve as a fire apparatus access during emergency. In addition, the project would construct a secondary emergency only ingress/egress road from the northeast corner of the Parcel Area to College Boulevard that would provide fire apparatus access.

On-site circulation and emergency access would conform to applicable City regulations that require designated emergency vehicle routes, truck turnarounds and key staging areas throughout the Parcel Area. The proposed access road on site will provide a complete loop around the perimeter of both buildings and vary from 28 to 36 feet in width as reviewed and accepted by the Oceanside Fire Department as adequate for emergency access and fire safety purposes. The proposed project would not require the full closure of any public or private streets or roadways during construction or operations and would not impede access of emergency vehicles to the project or any surrounding areas. For any construction in the public right-of-way, the project would implement a traffic control plan to ensure continued access through the area. This traffic control plan is required by City standards and imposed as a condition of approval for projects that involve improvements within a right-of-way or access easement and would be subject to approval by the City Traffic Engineer.

In addition, final plans for the project would be subject to review by the Oceanside Fire Department for consistency with the plans approved by the City decision maker as part of the discretionary permitting process, prior to project development.

**I-1-20** The comment offers an opinion that fluctuations in water pressure may exceed the limits set by the California Plumbing Code, potentially affecting residents access to reliable water service. The comment does not identify what the author relied upon to reach that conclusion. The water service pressure to the proposed project comes from the 511 Guajome Water Service Pressure Zone. Based on the finish grade elevations within the project site, as disclosed in Appendix J (Water Service Analysis), working pressure with the project in that zone will be around 100 psi. The California Plumbing Code requires plumbing within buildings to be below 80 psi. Therefore, California Plumbing Code Section 608.2 requires, as a matter of law, that the project install a pressure regulator to maintain pressure in the project buildings below 80 psi. The pressure regulator at each building will supply a constant pressure to the interior plumbing system. As part of the construction permitting process, the City will confirm that the Plumbing Code required regulators are installed.

**I-1-21** The comment argues, without supporting evidence, that the existing sewer infrastructure “may not handle the projected increase in wastewater flow, violating the City of Oceanside Sewer System Design Guidelines and increasing the risk of sewer overflows.” The Sewer Study (Appendix K) prepared for the project specifies that the project must install a new sewer line in Olive Drive from Bradley Street to College Boulevard. This new sewer line in the existing right of way, which is both part of the project design and included as a project condition of approval, is sized to accommodate the flow from the proposed project and alleviate an existing sewer system deficiency at the north end of Bradley Street that exists without the project. The sewer line complies with the City’s Sewer System Design Guidelines and supports the Draft ER’s determination that the project will have a less than significant impact as it relates to sewer demand and service.

**I-1-22** The comment acknowledges that the project meets the minimum parking requirements for affordable housing. The comment offers an opinion that the Sprinter line has “limited utility” and then speculates that overflow parking into surrounding streets is a likely outcome. The comment goes on to argue that the author’s hypothetical situation could lead to violations of the California Vehicle Code if it impedes traffic flow or emergency vehicle access.

Per Government Code Section 65863.2, no parking is required when a project is within 0.5 miles of a major transit stop. The adjacent Sprinter Station, which will be directly connected to the Parcel Area by

the project, meets the legal definition of a major transit stop. Therefore, as a matter of law, the project is not required to provide parking. In addition, bus stops within a 0.5-mile radius of the Parcel Area include the stops located at College Boulevard and Oceanside Boulevard. The project is also located within a Smart Growth Area, a designation designed to promote higher density development in areas near public transit. Finally, the comment fails to recognize the interconnected nature of the region's public transit system and how different components like the Sprinter, Coaster, Metrolink, Breeze and transit hubs like the Oceanside and Escondido Transit Centers operate together.

As stated in Section 3.2.6.5, Parking, notwithstanding the fact that it has no obligation to provide parking, the project would provide 346 parking spaces for Option A and for Option B. The project will also provide bicycle and motorcycle parking. The author's speculations, especially those based on an outdated understanding of the benefits of public transit especially for affordable housing projects, affordable housing operations and applicable law, are not substantial evidence of an impact under CEQA.

**I-1-23** The comment offers an opinion that the project should not be designated as "VMT reducing project." See RTC I-1-22 for a discussion of the erroneous assumptions about public transit and this project upon which the arguments presented in this comment are based.

As stated in Section 4.15, Transportation, a VMT analysis is required to satisfy the CEQA guidelines that use VMT as the measure of effectiveness for determining transportation impacts. The OPR Technical Advisory on Evaluating Transportation Impacts in CEQA states on page 8, "lead agencies have the discretion to set or apply their own thresholds of significance" (OPR 2018).

Consistent with the formally adopted City Traffic Impact Analysis Guidelines for Vehicle Miles Travelled (VMT), an assessment was conducted to determine whether the project would have significant impacts relative to VMT as required by CEQA Guidelines Section 15064.3. Those guidelines identify several project types that are presumed to be VMT-reducing projects, including projects that are "either locally serving or are based on substantial evidence provided by the OPR Technical Advisory Committee supporting SB 743 implementation."

The list of screened-out projects is shown in Table 1 of Appendix I2. Although a project is required to meet only one of the screening criteria, the proposed project satisfies two of the criteria for being designated as a VMT reducing project:

1. The project is consistent with the General Plan, located in a Transit Priority Area, and would include a pedestrian connection to a rail transit station served by the Sprinter rail transit service (the adjacent College Boulevard Sprinter Station) that would provide a walking distance of less than ½ mile to a major transit stop; additionally, the project's proposed construction of an all-weather walking path to the station, also facilitates convenience pedestrian access to bus routes 315, 318, 323, 325, and 623. The College Boulevard Sprinter Station includes bike lockers, shelters, and trash receptacles. The existing transit amenities are in good condition.
2. The project is a 100% affordable housing<sup>1</sup> project therefore, the project is a VMT reducing project and further VMT Analysis is not required.

<sup>1</sup> Table 2 Screened Out Projects: City of Oceanside TIA Guidelines, August 2020: If a project is a mix of affordable housing and market rate housing or unscreened use, only the affordable housing component would qualify as screened out. Additionally, any removal of affordable housing automatically requires CEQA VMT analysis.



Thus, substantial evidence supports the Draft EIR's treatment of the project as a VMT reducing project and the analysis provided of the same. For these reasons, the project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b),

- I-1-24** The comment asserts, without any specifics, that the NOP comments were not addressed as it relates to traffic, emergency access and geotechnical risks. To the contrary, consistent with CEQA Guidelines Section 15082 and other applicable laws, comments received during the NOP public scoping period were considered during preparation of the Draft EIR. Specifically, with respect to the topics identified in this comment, Traffic and emergency access were analyzed in Section 4.15, Transportation, Appendix I1, and Appendix I2. Geotechnical risks were analyzed in Section 4.6, Geology and Soils and Appendix E1. All impacts were analyzed, disclosed to the public, and mitigated if necessary, in accordance with CEQA standards.
- I-1-25** The comment offers a number of conclusory arguments regarding the project and the Draft EIR. As required by CEQA, these responses to comments address specific comments raised in the comment letter. Argument, opinion and speculation of the type offered in this comment are not substantial evidence nor do they require a response. As the Draft EIR, Final EIR and the record of the project proceedings demonstrate, the project's EIR conforms to applicable law.
- I-1-26** The comment provides a conclusory statement expressing the author's opinion that the City's decision makers should deny the project. This request will be part of the information presented to the decision makers. No further response is required.

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**From:** Zoe Erickson <[erickrz@pacbell.net](mailto:erickrz@pacbell.net)>  
**Sent:** Sunday, October 27, 2024 2:40 PM  
**To:** Shannon Vitale <[svitale@oceansideca.org](mailto:svitale@oceansideca.org)>  
**Cc:** Meg Ley <[megleypolitics@gmail.com](mailto:megleypolitics@gmail.com)>  
**Subject:** Olive Park Project EIR

**Warning: External Source**

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Shannon Vitale

I have been reading the EIR for the Olive Park project. One thing stand out to me. There are inconsistent numbers regarding the number of trips coming down Olive Drive.

Page 253: Table 4.7-7, Climate Action Plan Consistency Checklist and Project Consistency

The result “Not Applicable. The project is a residential project and would not generate more than 100 daily employee commute trips”

Page 319 Under the Master Transportation Roadway Plan, Objective i. “Per the Local Transportation Study prepared for the proposed project, the project would generate approximately 1,378 daily trips, 93 AM peak hours trips and 84 PM peak hour trips”

What is LOS D, E and F?

How can you consider 1,378 daily trips acceptable?

Thank you,

Zoe Erickson  
 760-583-8752

I-2-1

I-2-2

I-2-3

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## Response to Comment Letter I-2

Zoe Erickson  
October 27, 2024

- I-2-1** The comment asserts that there are inconsistencies between the number of trips generated as shown in Section 4.7, Greenhouse Gas Emissions, and Appendix I2, LTS Analysis. The author's opinion is based on a misreading of the information cited about the project's vehicle trips. Table 4.7-7 analyzes the project's consistency with the City's Climate Action Plan (CAP). CAP Item 4, which this comment references, asks whether "Per Section 3050 of the City's Zoning Ordinance, does the proposed project expected to generate at least 100 daily employee commute trips . . ." The category exclusively focuses on the number of employee commute trips. In response, the CAP consistency analysis column responds: "Not Applicable. The project is a residential project and would not generate more than 100 daily employee commute trips." That is a true statement as the exclusively residential project will not generate more than 100 daily employee commute trips. The project may generate employee trips related to maintenance workers, landscaping crews, and/or building management employees; however, the applicant has indicated that employee trips are estimated to be less than 25 trips per day. Those trips are included within the total number of average daily trips identified in the Local Transportation Study. Thus, there is nothing inconsistent with the Draft EIR and the Local Transportation Study also disclosing that the project's total number of daily trips. As the comment notes, the project would generate a total of approximately 1,378 daily trips, with 93 AM peak hour trips, and 84 PM peak hour trips.
- I-2-2** The comment asks what LOS D, E and F mean. Level of Service (LOS) is a metric to define the level of delay a specific component of the roadway circulation system will experience based on a variety of factors. LOS A refers to a condition with the least amount of vehicle delay and LOS F having the most vehicle delay. For intersections, LOS D is when the average delay is between 35 and 55 seconds per vehicle; LOS E is when the average delay is between 55 and 80 seconds per vehicle; and LOS F is when the average delay is over 80 seconds per vehicle. The comment does not raise any specific issues related to the adequacy of the Draft EIR; therefore, no further response is required.
- I-2-3** The comment asks how 1,378 daily trips is considered acceptable. Appendix I2 analyzes the LOS under various scenarios, with and without the project, as required by the City Local Transportation Study guidelines. The author does not offer any specific comments with that analysis, and the record reflects that the project's Local Transportation Study correctly analyzed and disclosed the project's consistency with applicable LOS goals; therefore, no further response is required.

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

**Sent:** Thursday, October 31, 2024 8:09 AM

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

**Cc:** Ryan Keim <[rkeim@oceansideca.org](mailto:rkeim@oceansideca.org)>; Peter Weiss <[pweiss@oceansideca.org](mailto:pweiss@oceansideca.org)>; Eric Joyce <[ejoyce@oceansideca.org](mailto:ejoyce@oceansideca.org)>; Ryan Robinson <[rrobinson@oceansideca.org](mailto:rrobinson@oceansideca.org)>; Gmail <[tomdemooy4homes@gmail.com](mailto:tomdemooy4homes@gmail.com)>

**Subject:** Olive Park Apartments Response Filing

**Warning: External Source**

Good Morning Senior Planner Vitale,

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.

I-3-1

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

I-3-2

Safety for ER services.

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

I-3-3

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.

I-3-4

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

I-3-5

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.

I-3-6

Cheapen home values.

I-3-7

Increase Pollution.

I-3-8

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

I-3-9

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. I-3-10

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. I-3-11

**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.** I-3-12

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. I-3-13

**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.** I-3-14

Respectfully,

Chet and Kelly Backus

## Response to Comment Letter I-3

Kelly Backus  
October 31, 2024

**I-3-1** The comment provides background information related to the commenters experience living in Oceanside. The comment does not raise any specific issues related to the adequacy of the Draft EIR; therefore, no further response is required.

**I-3-2** The comment asserts that the project's use of Olive Drive will raise unspecified issues regarding safety for emergency services. It is not clear what the author is arguing. See Response to Comment I-1-19 for a discussion regarding the project's compliance with applicable emergency access requirements and Draft EIR Section 4.13 regarding the project's lack of significant impacts with respect to public services including fire and police protection.

**I-3-3** The comment asserts that there will be increased traffic on College Boulevard and argues that the current traffic lights are not handling traffic efficiently. The comment asserts that it is not unusual to wait through 2-3 traffic light cycles in order to make a left turn from Olive Drive to Oceanside Boulevard North. The comment concerns traffic delays the author indicates she has experienced. As it relates to CEQA, traffic significance is measured in terms of VMT. VMT is defined as the "amount and distance of automobile travel attributable to a project" per CEQA Guidelines Section 15064.3. VMT (and VMT per capita or VMT per employee) is a measure of the use and efficiency of the transportation network as well as land uses in a region. VMT is calculated based on individual vehicle trips generated and their associated trip lengths. Draft EIR Section 4.15 analyzes the project's VMT and documents why the project will have less than significant transportation impacts.

As disclosed in Draft EIR Section 4.10, Land Use, Table 4.10-1, the project will not have a significant land use impact as it relates to the project's consistency with the General Plan's LOS, which is a measure of traffic delay, goals. As required by the City's adopted Traffic Guidelines, a Local Transportation Study (Draft EIR Appendix I2) was prepared for the project. That study discloses the LOS under existing conditions, near term conditions and Year 2050 conditions with and without the project and other cumulative projects. The record reflects that the project's contribution to delay would not exceed the General Plan LOS goals in the near-term condition. Also see Response to Comment 1-1-18 regarding the project achieving a less than significant land use impact with respect to the LOS goal in the Year 2050 Scenario.

**I-3-4** The comment argues that the project will result in "increased drug traffic." The comment's speculation about drug traffic does not an environmental issue analyzed under CEQA. Although different from what this comment addresses, as analyzed and disclosed in Section 4.13, Public Services, the project would have less than significant impacts as it relates to police services.

As demonstrated, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives of the Police Department

- I-3-5** The comment asserts that the project will result in “increased noise disturbance, especially at night”. As stated in Section 5.11, Noise, the Draft EIR includes a technical analysis by the noise experts at Dudek of the project’s potential to have significant noise impacts. That project specific study demonstrates that, based on the applicable noise thresholds for daytime and nighttime, the project will have less than significant noise impacts, including along Olive Drive.
- I-3-6** The comment asserts that there would be a loss of endangered species of Loma Alta Creek as a result of the project. The project’s potential to have significant impacts on biological resources and special-status species was fully analyzed and disclosed in Section 4.3, Biological Resources, and Appendix C, Biological Resources Technical Report. Direct impacts to special-status wildlife that could occur within the On-Site and Off-Site Impact Areas during construction of the proposed project would be avoided through implementation of PDF-BIO-1 (Biological Resource Minimization Measures), MM-BIO-3 (Nesting Bird Surveys), MM-BIO-4 (Biological Monitoring), and MMBIO-8 (Crotch’s Bumble Bee Pre-Construction Survey). Mitigation for loss of suitable habitat for special -status wildlife species with potential to occur in the Parcel Area would be accomplished through on-site preservation of suitable habitat per MM-BIO-1 (Designation of Open Space) and/or in accordance with CDFW regulations, and thus impacts would be less than significant. Indirect impacts would be mitigated to less than significant through implementation of PDF-BIO-1 (Biological Resource Minimization Measures), PDF-AQ-1 (Dust Control and Air Quality Measures), MM-BIO-3 (Nesting Bird Surveys), MMBIO-4 (Biological Monitoring), and MM-BIO-5 (Temporary Installation of Fencing). As disclosed in Draft EIR Section 4.3 and Appendix C, regarding Loma Alta Creek specifically, the On-Site Impact Area and Off-Site Impact Areas are more than 300 feet east of the mapped riparian vegetation associated with the portion of Loma Alta Creek that passes through the Parcel Area. Despite this distance, protocol-level focused surveys were conducted in 2024 for listed riparian bird species least Bell’s vireo and southwestern willow flycatcher, the results of which were negative. The results of protocol-level focused surveys for the upland species coastal California gnatcatcher were also negative, and no threatened or endangered plant species were detected in or adjacent to the On-Site or Off-Site Impact Areas during focused rare plant surveys. Mitigation is proposed with respect to California Endangered Species Act (CESA) Candidate Bumble Bee Species (MM-BIO-8) and the Draft EIR demonstrates that the project will have less than significant impacts related to endangered species.
- I-3-7** The comment argues that the project will “cheapen home values”. CEQA requires an analysis of physical impacts to the environment arising out of a project’s physical changes to the environment. Under CEQA, “an economic or social change by itself shall not be considered a significant effect on the environment” (14 CCR 15131 and 15382). Therefore, no further response is required to the opinion offered by the author regarding property values.
- I-3-8** The comment states that the project will cause “increase pollution”. The comment includes no support for that opinion, nor does it specify what type of pollution the author believes the project will increase or if the increase will be significant. The Draft EIR includes a CEQA compliant analysis and disclosure of the project’s potentially significant impacts with respect to pollution, including air pollution (see Section 4.2, Air Quality), water pollution (see Section 4.9, Hydrology and Water Quality), noise pollution (see Section 4.11, Noise), and solid waste (see Section 4.17, Utilities). With respect to all those topic areas, project impacts have been determined to be less than significant.
- I-3-9** The comment asserts that the project would “create safety issues all around especially for children.” As stated in Section 4.15, Traffic, the Draft EIR evaluates the potential for the project to result in increased



hazards from geometric design features of the project and/or because of the addition of project traffic at project access driveways. As described above and in Draft EIR Chapter 3, Project Description, the project access would be via terminus of Olive Drive, west of College Boulevard. As demonstrated in the Draft EIR, Olive Drive has sufficient roadway capacity to accommodate the project. The project would not construct new roadways or intersections. The project will construct new pedestrian/bicycle improvements, including an off-site all weather accessible pedestrian/bicycle path that connects the property and the adjacent neighborhood to the adjacent College Boulevard Sprinter Station and a missing link sidewalk section of approximately 100 feet, adjacent to the Parcel Area along western edge of the Olive Drive cul-de-sac, that will improve pedestrian access in the area. See also Response to Comment I-1-19 regarding access to the project and public safety. In sum, the record does not support the author's unsubstantiated opinion that the project would "create safety issues all around."

- I-3-10** The comment asserts that the project "is asking for the crimes to run through our neighborhood." The author's speculations about the project and crime do not raise an issue with the adequacy of the DEIR. See also Response to Comment I-3-5.
- I-3-11** The comment provides information on the commenter's experience with crime in their neighborhood. See Response to Comment I-3-5.
- I-3-12** The comment expresses general opposition to the project, particularly with regard to the development of 282 units. This comment will be available to the decision makers. This comment does not raise an issue with the adequacy of the DEIR, and therefore, no further response is required.

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Comment Letter I-4

The Backus Family

4138 Crystal St

Oceanside, CA 92056

10/31/2024

Good Morning Senior Planner Vitale,

Received

NOV 07 2024

City of Oceanside  
Development Services

We are filing our notice please.

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.

I-4-1

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

I-4-2

Safety for ER services.

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

I-4-3

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.

I-4-4

Increased drug traffic.

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

I-4-5

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.

I-4-6

Cheapen home values.

I-4-7

Increase Pollution.

I-4-8

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

I-4-9

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.

I-4-10

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

I-4-11

Received

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.

I-4-11  
Cont.

City of Oceanside  
Development Services

**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.

1-4-12

**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

## **Response to Comment Letter I-4 - Repeat Comment Letter I-3**

**Kelly Backus**  
**November 7, 2024**

- I-4-1**      See Response to Comment I-3-1.
- I-4-2**      See Response to Comment I-3-2.
- I-4-3**      See Response to Comment I-3-3.
- I-4-4**      See Response to Comment I-3-4.
- I-4-5**      See Response to Comment I-3-5.
- I-4-6**      See Response to Comment I-3-6.
- I-4-7**      See Response to Comment I-3-7.
- I-4-8**      See Response to Comment I-3-8.
- I-4-9**      See Response to Comment I-3-9.
- I-4-10**     See Response to Comment I-3-10.
- I-4-11**     See Response to Comment I-3-11.
- I-4-12**     See Response to Comment I-3-12.

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Comment Letter I-5

**From:** Kerry Singleton <[bubbs54321@gmail.com](mailto:bubbs54321@gmail.com)>

**Sent:** Wednesday, November 6, 2024 11:06 AM

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

**Subject:** Re: Notice of Availability for Olive Park Apartments Draft Environmental Impact Report (DEIR)

**Warning: External Source**

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Why can't this project take place at the intersection of Oceanside Blvd. and Rancho Del Oro? The area is wide open, close to public transportation, access to two major roadways, and wouldn't have to destroy a neighborhood.

I-5-1

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## **Response to Comment Letter I-5**

**Kerry Singleton**  
**November 6, 2024**

- I-5-1**      The comment asks why the project can't be relocated to the intersection of Oceanside Boulevard and Rancho Del Oro. This comment appears to be a presentation of the author's opinion directed at the City decision makers and does not raise a specific issue with the adequacy of the Draft EIR's analysis of the project. To the extent the comment is directed at the Draft EIR's alternatives analysis, CEQA Guidelines Section 15126.6 requires that an EIR evaluate a reasonable range of alternatives which would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project. As demonstrated in Chapter 8, Alternatives, the Draft EIR analyzed the required reasonable range of alternatives including the potential for an alternative site. No further analysis is required.

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Comment Letter I-6

**From:** [Tom](#)

**Sent:** Saturday, October 26, 2024 7:11 AM

**Subject:** FW: Olive Park Apartments Project

Dear Marco and Family,

Thank you for the email you sent out about Olive Park apartments.

I don't know if you were on the last email list that I sent to the Oceanside City Council, your neighbors, and others in your community. Here is some more correspondence to read from Chat and Kelly Backus. I have been an advocate against this bad development for months that will destroy Olive Drive, add more traffic to College Blvd and create more safety and health issues.

I-6-1

***"We needn't too hastily build neighborhoods and then carelessly destroy others"***  
***...Tom DeMooy***

Thank you,

Tom DeMooy

760-583-9550

3306 Heather Ln. 92056

[tomdemooy4homes@gmail.com](mailto:tomdemooy4homes@gmail.com)

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## **Response to Comment Letter I-6**

**Tom DeMooy**  
**October 26, 2024**

- I-6-1**      The comment expresses general opposition to the project and states that the project will add more traffic to College Boulevard and create more health and safety issues. Health and safety impacts are analyzed in Section 4.2, Air Quality, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, and Section 4.17, Transportation. Impacts were determined to be less than significant.

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Comment Letter I-7

November 14, 2024

Shannon Vitale, AICP  
Senior Planner  
City of Oceanside Development Services Department | Planning Division

Dear Shannon Vitale, AICP, *Oceanside City Council*,

Thank you for your important email on October 17<sup>th</sup> regarding the city council “not voting” on Olive Park project just yet. I-7-1

It is especially important that you and your team inform us, our community, and our neighbors if this council will be voting on this unbelievably “bad project” any time soon. I-7-1

Although Low-income housing is urgently needed in San Diego and Oceanside, this Olive Park Apartments project will alter and jeopardize this community’s well-being by adding over **1,000 car trips** a day to Olive Drive and the already dangerously congested College Blvd with over **55,000 car trips** a day! I-7-2

We (the community) are asking the Planning Division Department, and the City of Oceanside to take a harder look and either stop this project or negotiate a different traffic solution that will not increase traffic or impact on College Blvd. or our neighborhoods. I-7-3

This project is not beneficial to Oceanside or this community as it will be harmful to the **neighborhoods, pedestrians, bicyclists, and families** that will be impacted by the increased traffic. I-7-4

A better solution would be to exit and enter Oceanside Blvd. diverting the over 1,000 car trips away from College Blvd and Olive Drive. I-7-5

We cannot endanger the health and safety of our families and children that live in this vulnerable community! I-7-6

Thank you,

Tom DeMooy

760-583-9550

Heather Ln [tomdemooy4homes@gmail.com](mailto:tomdemooy4homes@gmail.com)

*“We needn’t too hastily build neighborhoods and then carelessly destroy others.”*

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## **Response to Comment Letter I-7**

**Tom DeMooy**  
**November 14, 2024**

- I-7-1** The comment expresses general opposition to the project and requests to be notified when the City Council will be voting on the project. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-7-2** The comment asserts that low-income housing is needed in San Diego and Oceanside, but adding 1,000 trips per day to Olive Boulevard, with 55,000 trips per day on College Boulevard, would jeopardize the community's well-being. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-7-3** The comment asks the city's Planning Division to either stop the project or negotiate a traffic solution that will not increase traffic or impact College Boulevard. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-7-4** The comment states that the project is not beneficial to the community and would be harmful to the neighborhood, pedestrians, bicyclists, and families. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-7-5** The comment states that a better solution would be to exit and enter Oceanside Boulevard diverting over 1,000 car trips away from College Boulevard and Olive Drive. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-7-6** The comment states that we cannot endanger the health and safety of our families and children that live in this vulnerable community. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

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Comment Letter I-8

**From:** C D dunlop <[campdunlop@yahoo.com](mailto:campdunlop@yahoo.com)>  
**Sent:** Monday, November 25, 2024 12:19 PM  
**To:** Ryan Keim <[rkeim@oceansideca.org](mailto:rkeim@oceansideca.org)>; Shannon Vitale <[svitale@oceansideca.org](mailto:svitale@oceansideca.org)>  
**Subject:** Olive Park Apartments Project Comment Amended

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11/25/2024

After sending this email yesterday I find that I did not include any identification so please find that this comment in opposition to this project is submitted by Claudia Dunlop, a home owner of 34 years, at 2542 Bradley Street. Without a designated ingress and egress I view this project as a small solution to a big problem that creates a big problem with no solution.

I-8-1

11/24/2024

**Olive Park Apartments Project**

**Here is why you should oppose this project.**

This project's only access in and out is through a single family residential area. According to an estimate of 1300 vehicle trips per day, if this project is built, that averages to about 100 vehicle trips per hour during a daytime of 12 peak hours of usage. Olive Avenue east was never intended to carry that kind of usage nor could the investors of the homes in this neighborhood have anticipate that it would become a highly trafficked thoroughfare. We invested in a single family residential zoned area for that very reason.

I-8-2

Further the project has planned for 335 parking spaces for residents and some extra parking for guests. But, when you look at the possible parking demand, this is not adequate.

I-8-3

Following is more detail of the issues related to this project and the reasons for you to oppose it.

I-8-4

**Re: Traffic**

On 11/15/2024, a Friday morning at 10:30 a.m. I left my home and turned onto east Olive Avenue to turn left (North) onto College Blvd. There was one vehicle ahead of me also turning left. When the light turned green that vehicle pulled into the intersection, but due to the traffic coming from the east on Olive Avenue, there was no opening for that vehicle to enter the north bound College Blvd. lane. As the light turned from green to yellow and almost to red, the intersection cleared enough for that one vehicle to make its turn leaving me, who had not entered the intersection so as not to be caught trying to turn left on a red light, having to wait through another light signal sequence. This occurred when the traffic was not even at its peak volume.

I-8-4 Cont.

Hence, those of us who will be so negatively affected by a possible 400% increase of vehicles on Olive Drive that this project could produce, would like to know **what the Planning Commission and the City Council have planned to mitigate this traffic nightmare.**

As stated by “City Planners” in a previously published response to citizens concerns with traffic issues on another housing project the “City Planners” responded with the statement, “City Planners, however, have assured residents that traffic management strategies have been carefully considered to mitigate any potential disruptions.” The presentation on the Olive Park Project by the consultants to mitigate the left turn problems at Olive Avenue and College Blvd. was to institute a designated left turn lane. While, in theory, this seems like a solution until you assess the reality of the issue. When for a good part of the day this intersection is in gridlock. No arrow or lane will create an opening for left turners from Olive Avenue east to enter. This gridlock affects not only here on Olive Avenue but also all of the residents in the street that egress onto Olive Avenue on the east side of College Blvd.

RE: Parking

Given that this project has an option A, with 164 one bedroom units, 75 two bedroom units, and 43 three bedroom units or an option B, with 120 one bedroom units, 85 two bedroom units, and 65 three bedroom units, there could projected to be between 448 to 479 resident vehicles assuming one car per bedroom. There could be less or there could be more so let’s just take the lower projection of 448. With 335 parking spaces planned in the application, **where are the excess 113 cars to be parked?** I know that there is a theory that X numbers of renters are assumed to use public transportation but, in reality, there will be more vehicles than parking spaces. What do the “Planners” have in response to this reality?”

I-8-5

Before you let this project go ahead we, here in the most affected neighborhood of single family residences, would like to know how you are planning to solve these issues. We

I-8-7  
I-8-6

would also like to understand how you can justify this project what helps a small number of low income renters while it negatively affects such a large number of drivers who must negotiate this traffic on a regular basis.

I-8-6 Cont.

**Wouldn't the funds for this project be better spent on a larger project in an area more suitable to its surroundings? Please turn down this project that would permanently degrade this neighborhood and create an unsolvable traffic problem over a wide area that will only get worse with time.**

I-8-7

Claudia Dunlop

Dean Dunlop

Margie Dunlop

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## Response to Comment Letter I-8

Claudia Dunlop  
November 25, 2024

- I-8-1** The comment provides introductory text to the comments that follow and generally opposes the proposed project. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-8-2** The comment inaccurately describes the time distribution of project related traffic on Olive Drive and asserts that Olive Drive was not intended to carry the amount of trips generated by the project. As disclosed in Draft EIR Appendix I2, the project would generate 1,378 trips per day with 93 AM peak hour trips (52 trips in and 41 trips out) and 84 PM peak hour trips (36 trips in and 48 trips out).
- Regarding roadway capacity, the City has adopted roadway classifications based on the types of land uses fronting the roadway, the number of lanes, and the characteristics of the roadway (e.g., raised medians). Roadway capacity standards for purposes of conducting ADT based LOS analysis are established by the City's Traffic Impact Guidelines for VMT and LOS Assessment adopted in 2020 (August 2020). With respect to the project, the General Plan Circulation Element (Figures 3.1 and 3.5) classifies Olive Drive west of College Boulevard as a "Collector Road." For purposes of the project specific LTS analysis a collector roadway has a capacity of 9,000 ADT, per Table 12 in the 2020 Traffic Impact Guidelines. For purposes of the project specific LTS analysis, Olive Drive west of Bradley was conservatively analyzed as a "Local Street" at a capacity of 2,200 ADT even though a "Local Street" has a roadway capacity of 2,400 ADT, per Table 12 in the 2020 Traffic Impact Guidelines. Thus, the comment does not accurately describe the capacity of Olive Drive. However, the comment correctly points out that Olive Drive west of College Avenue is minimally used. The street segment analysis provided in Appendix I2, documents that the near-term plus project traffic (Table 15) and the Year 2050 plus project traffic (Table 19) does not exceed the applicable daily capacity of those roadway segments as established by the City's guidelines. Therefore, the evidence demonstrates that even with the project's traffic, the roadway segments remain below capacity contrary to the comment's arguments.
- I-8-3** The comment states that 335 parking spaces have been planned for residents and guests but that is not adequate. As stated in Draft EIR, Chapter 3, Project Description, the development would comply with the minimum parking standards for a 100% affordable project. Per Government Code Section 65863.2, no parking is required when a project is within 0.5 miles of a major transit stop. The project would voluntarily provide 346 parking spaces regardless of the option chosen. These spaces would consist of 192 standard stalls, 14 accessible stalls, 87 electric-vehicle-ready stalls (25% of all spaces), 35 electric-vehicle-capable stalls (10% of all spaces), and 18 electric vehicle installed stalls (5% of all spaces). Bicycle and motorcycle parking would also be provided but are not included in overall parking count. Also see Response to Comment I-1-22.
- I-8-4** The comment describes a traffic delay experience the commenter indicates she had on an individual morning when turning left from Olive Drive onto College Boulevard without any context. The comment suggests that the anecdote is evidence that the project will have substantial traffic impacts. The comment also erroneously asserts that the project is proposing a designated left turn lane from Olive Drive to College Boulevard. See Response to Comments I-3-3 and I-1-18 regarding CEQA mandating

the use of VMT to analyze the potential significance of a project's traffic impacts and the role of traffic delay under CEQA.

- I-8-5** The comment pertains to parking and assumes there will be more vehicles than parking spaces. Please see Response to Comment I-8-3 and I-1-22.
- I-8-6** The comment provides general opposition to the project due to traffic. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-8-7** The comment provides general opposition to the project due to traffic. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.



**From:** Kathleen Monteiro <[kathleen.monteiro@sbcglobal.net](mailto:kathleen.monteiro@sbcglobal.net)>

**Date:** November 25, 2024 at 7:53:03 PM PST

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

**Subject:** Olive Park Apartments Project

Hello Shannon,

I did send you a previous email concerning my negative reaction and concerns with respect to the Olive Park Apartments Project. I am expanding on my concerns after individually meeting with Brian Mikail of Capstone Equities, the representative of the project. I am requesting that everyone on the city council vote a resounding “NO” on this project.

I-9-1

1. I am an original owner of my home since it was new in 1976. As an original owner, I have witnessed several other projects that were planned for the site in question. All ultimately were never built, and a main reason was the instability of the soil. The instability has not changed. Brian said that his company plans to use ninety-six foot steel rods encased in concrete to stabilize the soil. That is wishful thinking especially with the multi-storied apartments that have been proposed.

I-9-2

2. Brian also said that the amount of housing and thus residents will be reduced. However, one of the apartment buildings is now going to be four stories in height, and the other building will be two stories. This area is designated for single family homes which are no more than two stories high.

I-9-3

3. Of primary concern is the traffic that would increase on the part of Olive Avenue that is to the west of College Boulevard. This little cul-de-sac street cannot handle the increased traffic that would result. The Olive Avenue/College Boulevard intersection is already massively over-burdened. A recent fire at a home on Olive brought nine fire trucks to the scene. The trucks could not turn around at the end of Olive and had to back out to the Olive/Bradley intersection. Increased traffic on the street will be a serious hazard in emergency situations. If the project should regretfully be approved, the outlet/inlet road for any new residents on the proposed site must absolutely go directly to Oceanside Boulevard. The west end of Olive Drive must not be made into a major thoroughfare. It would create dangerous road/traffic situations, increase the air pollution, and be hazardous to families and children in using their street.

I-9-4

I-9-5

I-9-6

4. What about protecting Loma Alta Creek and the wildlife that relies on it? Isn't anything considered protected anymore?

I-9-7

5. Please do not destroy existing neighborhoods with poorly planned projects. Planning should not negatively impact the housing and residents that already live in an area.

I-9-8

As I requested in my previous email, please take the time to drive through the part of Olive Avenue street that would be impacted by the project. Experience the traffic that occurs during the morning/evening commutes at the College/Olive intersection and the complete stoppages and heavily backed up traffic many times a day due to the Sprinter. Please imagine yourself owning a home on Crystal, Olive, or Bradley, the three small cul-de-sac streets that would be harmed. Also imagine living in the immediate surrounding areas and how you would be impacted. I do believe that the project should not proceed for the welfare of all concerned.

I-9-9

Thank you for your time and consideration.

Best regards,

Kathleen Monteiro

## Response to Comment Letter I-9

**Kathleen Monteiro**  
**November 25, 2024**

- I-9-1**      The comment provides general opposition to the project and is an introduction to the comments that follow. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-9-2**      The comment asserts the author's belief that past projects proposed on the project site were never built due to instability of the soil. As required by the City's grading manual, Engineers Desing Processing Manual, Subdivison Map Act, and the California Building Code, Geocon has performed a project-specific slope stability analysis and geotechnical analysis, which is included in Draft EIR Appendix E1, Geotechnical Report. As required by City regulations (City's Grading Manual, Section 512), the project conditions of approval mandate compliance with those remedial grading measures identified in the Geotechnical Report. Also see Response to Comment I-1-9 that makes a similar comment regarding soil stability.
- I-9-3**      The comment states that one of the apartment buildings would be four stories in height and the other would be two stories in height. The proposed project includes two four story buildings (Building No. 1: 57 feet; and Building No. 2 51 feet).
- The comment also states that the area is designated for single-family homes. As stated in Chapter 3, Project Description, the Parcel Area has a General Plan designation of Medium Density Residential (MDA-R) that authorizes a maximum density of 9.9 dwelling units per acre (City of Oceanside 2002). The Parcel Area has a zoning designation of RS-Single Family Residential. That designation allows for up to 5.9 dwelling units per acre (City of Oceanside 2021). As described further below, the proposed project is not requesting an increase in density.
- 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 (43.50-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 acres), by the greater of the maximum density for the specific zoning range (5.9 units per acre) and General Plan Land Use Element (9.9 units per acre). Using this methodology, the base number of units allowed at the Parcel Area is 341.8 (rounded up to 342 units as base allowable).
- I-9-4**      The comment states that Olive Avenue cannot handle the increase in traffic as a result of the project. See Response to Comment I-15-6.
- I-9-5**      The comment states that a recent fire on Olive Drive required fire trucks to back down the street and the increase in traffic will cause a hazard in emergency situations. See Response to Comment I-1-19. In addition, the project will install an access road that forms a complete loop around the perimeter of both buildings. That access road is designed at minimum width of 28- to 36-feet, which OFD has confirmed allows for required apparatus turning movements. The on-site circulation also includes designated "T" turn-around areas for apparatus at the northwest corner of Building No. 1. The proposed on-site vehicle circulation design will also allow for safe and unrestricted emergency vehicle access

directly from Olive Drive. The project's on-site loop design and designated turn-around areas will also provide fire trucks and other emergency responders serving homes east of the project with an efficient place for emergency vehicles to turnaround without blocking existing portions of Olive Drive east of the project site, as the comment indicates happens in the current condition without the project.

**I-9-6** The comment offers the opinion that the project must directly connect to Oceanside Boulevard based on the assertion that the project would cause significant adverse traffic, air quality and roadway safety impacts. The comment is based on erroneous assumptions about project impacts not supported by the Draft EIR or the project records. As the Draft EIR demonstrates, no additional mitigation measures are required for the project to have less than significant traffic, air quality and roadway safety impacts. Besides being unjustified from a CEQA perspective and not supported by analysis, the opinion offered also ignores the fact that the requested connection to Oceanside Boulevard would, at a minimum, require disturbing sensitive biological resources, rail line crossings and acquisition of private properties.

**I-9-7** This comment expresses a general concern for the protection of Loma Alta Creek and the wildlife it supports. As the Draft EIR discloses in Section 4.3, the project will have less than significant impacts on biological resources within mitigation. With respect to the specific comment about the portion of Loma Alta Creek within the Parcel Area, the creek as well as a 100-foot buffer from the riparian habitat surrounding the creek, will be avoided by the project. The portion of the creek that passes through the Parcel Area is more than 300 feet from the project's on-site and off-site Impact Areas. MM-BIO-1 also requires the perpetual conservation of 32.63 acres of the Parcel Area as open space. Thus, the draft EIR demonstrates that Loma Alta Creek and the wildlife that relies on it is being protected.

**I-9-8** The comment reflects the opinion of the commenter. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

**I-9-9** The comment opines on the traffic congestion in the area surrounding the project site. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; however, see Response to Comment I-3-3 relative to the project and the City's level of service goals for roadways.

Comment Letter I-10

**From:** Carol Ley <[carolley53@yahoo.com](mailto:carolley53@yahoo.com)>  
**Sent:** Monday, December 2, 2024 3:21 PM  
**To:** Tam Tran <[ttran@oceansideca.org](mailto:ttran@oceansideca.org)>  
**Subject:** Olive Park Apartments

Dear Tran,

I have been looking at the DEIR dated October 16, 2024, Appendix 12, Local Transportation study, on page 55 of 176, there is a traffic study by Counts Unlimited done on January 25, 2024, included in the LOS report, for Olive Drive west of Bradley. I'm interested in what, techniques and/or equipment were used to come up with the data represented on the reports by Counts Unlimited. I've attached copies of the two reports.

I-10-1

Thank you for your assistance,

Carol Ley

4046 Olive Drive

Oceanside, CA 92056

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## **Response to Comment Letter I-10**

**Carol Ley  
December 2, 2024**

- I-10-1**      The comment asks what techniques and/or equipment was used to come up with the data represented by Counts Unlimited as it relates to the traffic counts conducted on January 25, 2024 for Olive Drive west of Bradley Street. Traffic data was collected by Counts Unlimited, Inc., who have been in business for over 30 years providing data for the public and private sectors including the City of Oceanside. Roadway and intersection traffic was filmed using Digital Video Recording (DVR). Counts Unlimited staff then compiled that data into the spread sheets that were utilized to prepare the project's Local Transportation Study.

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Comment Letter I-11

**From:** Zoe Erickson <[erickrz@pacbell.net](mailto:erickrz@pacbell.net)>  
**Sent:** Sunday, December 8, 2024 7:02 PM  
**To:** Shannon Vitale <[svitale@oceansideca.org](mailto:svitale@oceansideca.org)>  
**Subject:** Olive Park Apartments DEIR

Shannon, I am attaching my concerns regarding the DEIR for the proposed Olive Park Apartment project. I hope this is not too confusing. I have read the entire Optimized EIR. I found it full of fluff and contradictory. I strongly, recommend that the Planning Commission deny this project. I am concerned about the stability of the land and of course, I am concerned about the traffic. I have lived here for 40 years and seen several developers come and go. There are good reasons why they have dropped their plans. Take a look back at some of the more recent developments and I believe you will share my concerns.

I-11-1

Thank you,

Zoe Erickson  
 4035 Olive Dr.  
 760-583-8752

Shannon: I have found several inconsistencies in the EIR. I am listing them below. My comments are in red.

### **Olive Park Apartments Project EIR Optimized**

I-11-2

#### **4.3 – BIOLOGICAL RESOURCES**

**There are other species not listed in this section: opossums, raccoons and roadrunners. Also, I have seen red-winged blackbirds in wetter seasons.**

#### **4.6.1,2 Topography pg 207**

“Landslides The majority of the northern half of the Parcel Area is underlain by landslides. In addition, the Santiago Formation found south of the On-Site Impact Area possesses weak claystone beds that can create slope instability.

I-11-3

Groundwater was encountered ranging at depths from 9 feet to 45 feet below existing grade at several exploratory borings on the Parcel Area, but no groundwater was encountered within the On-Site Impact Area. **However, it is not uncommon from groundwater or seepage conditions to develop where none previously existed. Groundwater and seepage is dependent on seasonal precipitation, irrigation, land use, among other factors, and varies as a result (Appendix E1).** “

I-11-4

Our rainfall runs in a pattern, see San Diego Rainfall Chart <a href="https://www.custompuzzlecraft.com/Weather/sandiegorain.html">https://www.custompuzzlecraft.com/Weather/sandiegorain.html</a> We have had wetter seasons where there is a pond in that area. Also, see page 272 indicating that this parcel is within the 100 year flood zone.	I-11-5
Table 4.7-7. Climate Action Plan Consistency Checklist and Project Consistency pg 253 4. Transportation Demand Management (TDM). Per Section 3050 of the City's Zoning Ordinance, does the proposed project expected to generate at least 100 daily employee commute trips, necessitating the preparation and implementation of a TDM Plan." <b>Not Applicable. The project is a residential project and would not generate more than 100 daily employee commute trips.</b> Only 100 daily employees commuting from 272 units daily? Not realistic.	I-11-6
4.9.1 Hydrologic Setting Loma Alta Creek pg. 271	I-11-7
Land uses shall not significantly distract from nor negatively impact surrounding conforming land uses. The conforming land use is single family homes and commercial. In 2006, the area was zoned R1.	I-11-8
Table 4.10-1, Page 299, Policy 1.1B "Land uses shall not significantly distract from nor negatively impact surrounding conforming land uses" "space uses and zoning designations. The project would not negatively impact surrounding conforming land uses because it proposes similar residential development and open space amenities." Confirmation: The project would be in conformance with this policy. This analysis is vague. Also there are NO 3 story buildings in the area.	I-11-9
Table 1.12B Page 300 The use of land shall not create negative visual impacts to surrounding land uses. Again, there are No 3 story buildings in this area.	I-11-10
1.12 Land Use Compatibility Objective The proposed housing development would be consistent with the surrounding residential land uses, as the site is zoned and designated for residential uses. <i>The Parcel Area access has been designed to reduce the potential for additional traffic on Oceanside Boulevard.</i> The project would not alter the designated land uses surrounding the Parcel Area. How has the project designed to reduce the potential for additional traffic on Oceanside Boulevard?	I-11-11
1.24I, Page 308, Policy 1.24I "A Geotechnical Investigation was prepared for the project by Geocon in March 2024, included in this EIR as Appendix E1. T" There was a team taking soil test on July 12, 2024. What was the results of those tests?	I-11-12

Public Safety Element Goal, page 315. “In the event of an emergency, adequate emergency access would be provided via the entrance located on Olive Drive and, because the Code requires secondary access for projects over a certain number of units, via a proposed secondary emergency only ingress/egress route from the northeast corner of the Parcel Area to College Boulevard. Circulation and an emergency only ingress/egress road”

I-11-13

On September 27, 2024, a house on Olive Drive caught fire. The street was filled with 19 fire vehicles. The street was closed. No one could get it or out for at least 2 hours. What would the occupants of the 282 units do?

Master Transportation Roadway Plan, page 319. Aim for an acceptable Level of Service (LOS) D or better on all Circulation Element roadways on an average daily basis and at intersections during the AM and PM peak periods. Per the Local Transportation Study prepared for the proposed project, the project would generate approximately 1,378 daily trips, 93 AM peak hours trips and 84 PM peak hour trips. The Local Transportation Study demonstrates that the project would not cause an exceedance of the LOS D level identified in this objective. In the cumulative Buildout Year 2050 condition, the intersection of Olive Drive/College Boulevard is predicted to operate at LOS E or LOS F without the project. As documented in the Local Transportation Study and a memo prepared by LOS Engineering (2024), the project as proposed and conditioned will be consistent with this LOS objective.

I-11-14

According to the **Oceanside General Plan, Circulation Element dated September 12, 2012:**

College Blvd. is a major arterial roadway with traffic volume of 46,700. Level of Service (LOS) is F. Existing intersection for Olive Dr. & College Drive is A, B, and C. (pg. 21).

Table 3-1, City of Oceanside Street Design Criteria. Volume Capacity for Cul d sac street: Less than 200.

In a previous attempt to develop this area, I spoke to City Planner, Shan Babick on December 7, 2005, the average number of traffic per day was 10. That equates to 2820.

Table 7.7.7 “The project is a residential project and would not generate more than 100 daily employee commute trips.”

I-11-15

On page 319: “Per the Local Transportation Study prepared for the proposed project, the project would generate approximately 1,378 daily trips, 93 AM peak hours trips and 84 PM peak hour trips.” What is it: 100 or 1,378 trips?

Again, according to the **Oceanside General Plan, Circulation Element dated September 12, 2012**

I-11-16

Pg. 35 Unacceptable LOS Roadway segments.: “Capacity: Four-lane major between SR76 and Mesa Drive, six-lane major between Oceanside Boulevard and Olive Drive,...  
Mitigation: Widening the four-lane major sections (where there is an impact) to a six-lane major or widening the six-lane major sections (where there is an impact) to a six-lane prime arterial would accommodate forecast traffic volumes; however, residents on certain sections of College Boulevard would be impacted by widening this corridor.”

Pg. 41. 2030 Master Transportation Roadway Plan Intersection LOS Operations

### 3.7.3 Recommended Overriding Considerations

College Boulevard between Oceanside Boulevard and Olive Drive The Master Transportation Roadway Plan shows this segment as a six-lane major arterial. It would require a six-lane prime arterial designation to accommodate the forecast traffic volumes. The new TMC can be used to manage the transportation system through adaptive signals on congested corridors.

TABLE 4-1 2000 COMMUTE MODES 73% of people drive alone. (52,880)

*Table 3-1, City of Oceanside Street Design Criteria. Volume Capacity for Cul d sac street: Less than 200.*

Pg. 35 Unacceptable LOS Roadway segments.: “Capacity: Four-lane major between SR76 and Mesa Drive, six-lane major between Oceanside Boulevard and Olive Drive,...  
Mitigation: Widening the four-lane major sections (where there is an impact) to a six-lane major or widening the six-lane major sections (where there is an impact) to a six-lane prime arterial would accommodate forecast traffic volumes; however, residents on certain sections of College Boulevard would be impacted by widening this corridor.”

Pg. 41. 2030 Master Transportation Roadway Plan Intersection LOS Operations

### 3.7.3 Recommended Overriding Considerations

College Boulevard between Oceanside Boulevard and Olive Drive The Master Transportation Roadway Plan shows this segment as a six-lane major arterial. It would require a six-lane prime arterial designation to accommodate the forecast traffic volumes. The new TMC can be used to manage the transportation system through adaptive signals on congested corridors.

*As you can see, 282 units will definitely be a negative impact to this plan.*

I-11-16  
Cont.

## Response to Comment Letter I-11

Zoe Erickson  
December 8, 2024

- I-11-1** The comment provides general opposition to the project and is an introduction to the comments that follow. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-11-2** The comment states that they have seen other species not listed in listed in Draft EIR Section 4.3, Biological Resources (i.e., opossums, raccoons, roadrunners, and red-winged blackbirds). These species are not species of concern, nor do they meet the definition of rare, threatened, or endangered under CEQA.
- I-11-3** The comment restates information from the Draft EIR regarding landslides and slope stability. See Response to Comment I-1-9.
- I-11-4** The comment reiterates information from Draft EIR Appendix E1 regarding the depths to groundwater. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-11-5** The comment provides a link to San Diego Rainfall patterns and states that there is a pond in that area. The comment also states that the parcel is within the 100-year flood zone. It is unclear what the author is referring to regarding “a pond in that area.” However, as stated in Section 4.9, Hydrology and Water Quality, as indicated in the Flood Insurance Rate Map (FIRM 06073C0758G) a small portion of the northern Parcel Area, located outside the Onsite Impact Area, is associated with Loma Alta Creek and designated as being within the 100-year flood plain per FEMA FIRM/Zone AE and 500-year flood plain per FEMA FIRM/Zone X (FEMA 2022). An offsite area located north of the Onsite Impact Area is also designated as being within the 100-year flood plain/floodway. This flood zone extends east to west along the NCTD rail line. The Onsite Impact Area is located in an unshaded Zone X, which is defined as “Areas determined to be outside the 500-year floodplain.”
- The Draft EIR demonstrates that the project complies with applicable floodplain management significance criteria as the project would not alter the existing drainage pattern of the site or area in a manner which would impede or redirect flood flows. As demonstrated by the Drainage Report and other analysis identified in the Draft EIR, the design of those improvements within and adjacent to the FEMA designated 100-year flood plain/floodway would also not substantially alter the existing drainage pattern, and, would not alter the course of a stream or river or through the addition of impervious surfaces in a manner that would impede or redirect flood flows.
- I-11-6** The comment states that the determination made in Section 4.7, Greenhouse Gas Emissions, Table 4.7-7 is not realistic, and asks how there would only 100 daily employees commuting from 272 units. See Response to Comment I-2-1.
- I-11-7** The comment states “4.9.1 Hydraulic Setting Loma Alta Creek pg. 271”. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

- I-11-8** The comment states that the conforming land use is single-family homes and commercial and in 2006 the area was zoned R1. See Response to Comment I-9-3.
- I-11-9** The comment addresses one item in the Draft EIR's land use section. The comment offers the opinion that the consistency analysis to Policy 1.1B in Section 4.10, Land Use, Table 4.9-1, General Plan Consistency Table is vague and that there are no three-story buildings in the area. As stated in Section 4.1, Aesthetics, the Parcel Area abuts a relatively steep, vegetated slope to the south and primarily single-story residences to the south and east. Development to the immediate north (i.e., south of Oceanside Boulevard) generally consists of single-story buildings (business park and industrial uses), with larger logistics warehouses located north of Oceanside Boulevard.
- As stated in Section 4.1, Aesthetics, construction of four-story buildings displaying generally cool exterior colors and brown and green accents against the backdrop of a vegetated slope would work in harmony with the existing topography, landscaping, and adjacent urban uses. The incorporation of a climate-appropriate plant palette that would include large box trees and accent shrubs and groundcovers, in conjunction with the project's Spanish architecture and the planting of native vegetation adjacent to the open space areas that the project would preserve through recordation of a conservation easement, would create an interesting and attractive line, scale, dimension, and pattern of development in harmony with landscaping and adjacent urban and topographic forms. The number of stories is only one factor in determining consistency with Policy 1.1B. The Draft EIR and project record demonstrates that the project would not significantly distract from nor negatively impact surrounding conforming land uses.
- The City would use this EIR and associated documentation in its decision to approve or deny the required discretionary permits. The analysis included in the Draft EIR sections 4.1 and 4.10, as well as the project record, demonstrate that the project would not have a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- I-11-10** The comment reiterates a General Plan policy related to not creating a negative visual impact to surrounding land uses and states that there are no three-story buildings in the area. See Response to Comment I-11-9.
- I-11-11** The comment restates a land use compatibility objective and asks about the statement that the project has been designed to reduce the potential for additional traffic on Oceanside Boulevard. This statement was a typographical error that does not address consistency with land use compatibility. This statement has been removed from the Final EIR in ~~strikeout~~. See Response to Comment I-11-9.
- I-11-12** The comment correctly states that a Geotechnical Investigation was prepared for the project and is included in the Draft EIR as Appendix E1. The comment asks what the results were of the soil tests conducted during July 2024. The results of the soil testing, which among other things involved three large diameter borings to a maximum depth of 100 feet and five exploratory trenches to a maximum depth of 8 feet are included in Appendix E1. The results of this soil testing are part of the foundation for the analysis in Appendix E1 and the Draft EIR.
- I-11-13** The comment restates a General Plan Goal related to the Public Safety Element and states that when a house on Olive Drive caught fire the street was closed and no one could get out. The comment asks

what the occupants of 282 units would do. Emergency response and evacuation is addressed in the Draft EIR in Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire. As stated therein the project would not impede access of emergency vehicles to the Parcel Area or any surrounding areas. As required by the project conditions of law and City codes, final site plans for the project would be subject to review by the OFD, prior to project development. Also see Response to Comment I-9-5.

**I-11-14** The comment restates information from the Draft EIR Appendix I2, Local Transportation Study and information from the General Plan Circulation Element.

The commenter correctly reiterates the information in the General Plan Circulation Element regarding College Boulevard being a major arterial with a traffic volume at the time of the preparation of the 2012 General Plan of 46,700 and an LOS designation of F. Consistent with that information, based on the traffic counts conducted in 2024 by Counts Unlimited (included in the Draft EIR Appendix I2) College Boulevard has a traffic volume of 49,791 ADT and an LOS designation of F.

The comment also addresses roadway capacities. Roadway capacity standards for purposes of conducting ADT based LOS analysis are established by the City's Traffic Impact Guidelines for VMT and LOS Assessment adopted in 2020 (August 2020). With respect to the project, the General Plan Circulation Element (Figures 3.1 and 3.5) classifies Olive Drive west of College Boulevard as a "Collector Road." For purposes of the project specific LTS analysis a collector roadway has a capacity of 9,000 ADT, per Table 12 in the 2020 Traffic Impact Guidelines. Nonetheless, relying on the professional engineering judgment of City staff and LOS Engineering, Olive Drive west of Bradley was conservatively analyzed as a "Local Street" at a capacity of 2,200 ADT even though a "Local Street" has a roadway capacity of 2,400 ADT, per Table 12 in the 2020 Traffic Impact Guidelines.

Notwithstanding the General Plan classification and the capacity designations noted above, the comment implies the LOS analysis should have used 200 ADT as the Olive Drive roadway capacity. The comment bases that opinion on Table 3-1, City of Oceanside Street Design Criteria in the General Plan Circulation Element. However, as the title of that Table makes clear, the criteria in Table 3-1 relates to the design standards that apply when designing and building new streets. Olive Drive is an existing street and Table 301 does not establish the capacity of a roadway for purposes of performing an ADT based LOS analysis. As explained, the City's formally adopted 2020 Traffic Impact Guidelines identify the applicable roadway capacities to be used when conducting an LTS for a development like the project.

**I-11-15** The comment questions the City's CAP Checklist question regarding 100 daily employee trips and the project's trip generation of 1,378 daily trips. See Response to Comment I-2-1.

**I-11-16** The comment restates information from the Draft EIR Appendix I2, Local Transportation Study and information from the General Plan Circulation Element. See Response to Comment I-1-23. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

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Comment Letter I-12

From: Brian D Serafini <[ktm7741@sbcglobal.net](mailto:ktm7741@sbcglobal.net)>

Sent: Saturday, December 7, 2024 11:19 AM

To: [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

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

Subject: Olive Park Apartments

To whom it may concern

The proposed development referred to as the “olive Park Apartments” plan #D24-00006 is a disaster waiting to happen!

I-12-1

The traffic on College Blvd and Olive is already at its maximum capacity! Traffic is high and often very congested! The addition of this project will greatly exacerbate this situation!

I-12-2

I am a retired Oceanside Fire Captain with 30 years experience! The traffic situation is one issue that must be addressed, but more importantly the access to this area is extremely limited for emergency vehicles!

I-12-3

The access to this area goes through an already existing residential complex and will greatly affect residents living in that area!

Fire danger in this area running along the existing railroad tracks will also make this development less desirable!

I-12-4

The traffic, fire danger and the impact to the already existing housing in that area will make for nothing but a planned disaster!

Please review this proposal and hopefully reject this project! Nothing good will result from the development of this access limited area!!

I-12-5

Sincerely Captain Brian D Serafini, Oceanside Fire Department (Retired)

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## **Response to Comment Letter I-12**

**Brian Serafini**  
**December 7, 2024**

- I-12-1** The comment provides general opposition to the project and is an introduction to the comments that follow. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-12-2** The comment provides an opinion on the traffic on College Boulevard and Olive Drive and states that the project will exacerbate the situation. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-12-3** The comment states that traffic must be addressed and more importantly the access to this area is extremely limited for emergency vehicles. See Response to Comment I-1-19 and I-11-13.
- I-12-4** The comment expresses general opposition due to access, fire danger, and traffic. See Response to Comment I-1-19, I-3-3, and I-11-13.
- I-12-5** The comment expresses general opposition to the project. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

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Comment Letter I-13

**From:** Mike Blankers <[mikeblankers@sbcglobal.net](mailto:mikeblankers@sbcglobal.net)>

**Sent:** Monday, December 9, 2024 4:04 PM

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

**Subject:** Olive Park Apartment Projects DEIR

Hello Shannon,

I taking a look at the DEIR report for the Olive Park Project, my one suggestion is to make sure that the walkway connecting the project to the Sprinter Station is on the furthest west side of the Sprinter Station.

I-13-1

The current design shows the sidewalk going to the Sprinter station connecting in the middle of the platform. For people who need to access the other side of the Sprinter station, they have to walk all the way to the end of the platform and then cross the tracks. This is a poor design. It should connect at the furthest west end so that a person can cross over quickly to the other side if needed. Please consider this suggestion.

I-13-2

Thank you

Mike Blankers

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## **Response to Comment Letter I-13**

**Mike Blankers**  
**December 9, 2024**

- I-13-1**      The comment provides a suggestion that the walkway connecting to the Sprinter Station be located further west. The comment provides an opinion on the design of the project. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-13-2**      The comment provides a suggestion that the walkway connecting to the Sprinter Station be located further west. The comment provides an opinion on the design of the project. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

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Comment Letter I-14

From: Kenneth Mischitelli <[m1ken1978@icloud.com](mailto:m1ken1978@icloud.com)>  
 Sent: Monday, December 9, 2024 1:36 PM  
 To: Shannon Vitale <[svitale@oceansideca.org](mailto:svitale@oceansideca.org)>  
 Cc: Ken M <[m1ken1978@yahoo.com](mailto:m1ken1978@yahoo.com)>  
 Subject: Olive Park Apartments will create huge problems

Hello Shannon

My name is Ken Mischitelli . My wife Dawnelle and I have lived adjacent to Olive Ave at 2742 Thunder drive for 23 years. This proposed development will destroy the way of life in all of the tri city area off College Blvd. We are already at gridlock. College Blvd is already very dangerous with way too much traffic. I took pictures of the current gridlock even before this project is there Also there is abundant wildlife such as bird species which are all throughout the canyon which will be impacted. My wife has seen many of the endangered species birds. The coastal california gnatcatcher while hiking in the area Please reconsider this project . The area is already very dense and cannot handle this many new residents The whole character of neighborhoods will be affected in a very negative way

I-14-1

I-14-2

Please note all the cars parked on the side of College Blvd up and down already creates a hazard / danger with many accidents. We will have more accidents and death if we continue to make more traffic that the area cannot sustain Gridlock extends over 3/4 mile currently during peak rush hour. Appreciate your consideration

Thank you  
 Kenneth & Dawnelle Mischitelli  
 2742 Thunder Drive. 92056  
 760 521 0910

I-14-3



I-14-3  
Cont.



I-14-3  
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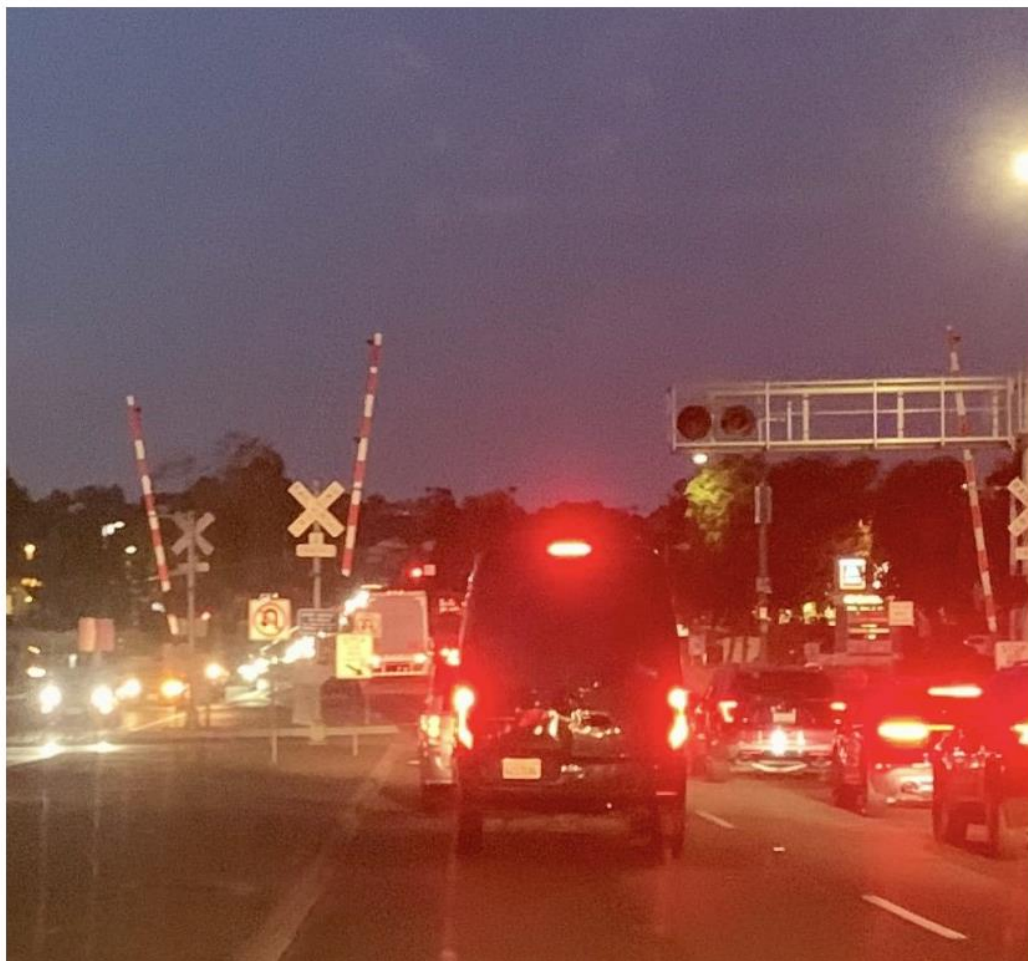


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## **Response to Comment Letter I-14**

**Kenneth Mischitelli**  
**December 9, 2024**

- I-14-1** The comment is in regards to traffic on College Boulevard. The commenter also provided pictures of traffic on College Boulevard. See Response to Comment I-1-18 and I-3-3.
- I-14-2** The comment states that endangered species have been observed, including Coastal California Gnatcatcher and that the character of the neighborhood would be affected in a negative way. The biological resource experts at Dudek prepared a project specific biological resource report that is incorporated into the Draft EIR as Appendix C and discussed in the Draft EIR. That analysis included multiple site visits by qualified experts looking for protected and endangered species as well as formal protocol surveys for various species including the coastal California gnatcatcher. The results of protocol-level focused surveys for the upland species coastal California gnatcatcher were negative, and no threatened or endangered plant or animal species were detected in or adjacent to the On-Site or Off-Site Impact Areas during focused rare plant surveys. Nonetheless, mitigation is imposed, MM-BIO-3 (Nesting Bird Surveys), that requires surveys for nesting birds prior to the commencement of construction and numerous project design features and other mitigation measures described in the Draft EIR address the potential for direct and indirectly significant biological resource impacts during project construction and operation. Thus, the Draft EIR demonstrates that the project will have less than significant impacts related to nest, endangered, and migratory bird species. Regarding neighborhood character, see Response to Comment 1-11-9.
- I-14-3** The comment opines that cars parked on College Boulevard create a hazard and that there will be more accidents with additional traffic and gridlock during peak hours. The comment also includes photos of traffic on College Boulevard. See Response to Comment I-1-18, I-3-3, and I-3-9.

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Carol Ley  
4046 Olive Drive, Oceanside, CA

December 9, 2024  
Page 1 of 5

## Identification of Sensitive Receptors Near the Olive Park Apartments Project Site

The Olive Park Apartments Project Environmental Impact Report (EIR) under Section 4.8 Hazards and Hazardous Materials, Subsection Sensitive Receptors, Pages 4.8-2 to 4.8-3 (Pages 258-259) contains a significant error. The report claims:

"There are no sensitive receptors within a 0.25-mile radius of the Net Developable Pad where the project would be developed. The closest school to the Parcel Area is Christa McAuliffe Elementary School, located approximately 0.2 miles southwest of the larger Parcel Area. However, that use is located 1 mile from the Net Developable Pad."

This conclusion is incorrect. A licensed daycare operated by Lydia Gladney at 4015 Olive Drive is located within the 0.25-mile radius. The west side of the property line of this daycare is less than 100 feet from the proposed project site, making it a sensitive receptor under CEQA, particularly due to the vulnerability of children to hazardous materials.

Documentation confirms that the daycare is an active and licensed operation, which directly contradicts the EIR's assertion of no sensitive receptors within the specified radius. This omission has serious implications, particularly for regulatory compliance and risk assessment. CEQA requires accurate identification of sensitive receptors, and mitigation measures for air quality, noise, and hazardous materials must be designed to address impacts on all such receptors.

To ensure the validity and compliance of the EIR, the report should be amended to include the daycare as a sensitive receptor. The potential impacts on this receptor, including air quality, noise, and hazardous material exposure, must be reassessed. Recognizing and addressing this daycare is crucial to the project's credibility and to adequately mitigate environmental and community concerns. Immediate action is necessary to correct this oversight.

I-15-1

## Missing Police Protection Call Estimates

The Draft Environmental Impact Report (DEIR) in Section 4.13 Public Services, Subsection 4.13.4 Impacts Analysis, page 4.13-7 (PDF p. 377), provides a detailed calculation of anticipated service calls for fire protection but omits similar projections for police protection. The report states that the population increase of 728 to 790 residents would generate approximately 106 additional fire service calls annually. However, no corresponding estimate is provided to quantify the additional service calls anticipated for police protection.

I-15-2

This omission limits the ability to fully assess the project's impact on public services. A projection of police service call volumes is necessary to determine whether the proposed development would result in additional demands on law enforcement resources and whether mitigation measures or resource adjustments are required.

The DEIR should be revised to include an estimate of the additional police service calls anticipated due to the project. A methodology similar to the one used for fire protection, applying a per capita call rate, could be used to provide this information. Including this analysis will ensure a comprehensive evaluation of the project's impacts on public services and provide a clear basis for any necessary resource planning or mitigation measures.

This revision is essential for maintaining the accuracy and completeness of the DEIR and ensuring that public service impacts are thoroughly addressed.

I-15-2 Cont.

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### **Fill Settlement Duration and Monitoring Program**

In Appendix E1 of the Draft Environmental Impact Report (DEIR), under Section 8.9.2 Fill Settlement (p. 35 of Appendix, p. 42 of PDF), it is stated that the settlement of compacted fill is expected to continue over a "relatively extended time period" due to gravity loading and hydrocompression from rainfall and landscape irrigation. However, the term "extended time period" is vague and lacks the specificity required for accurate planning and assessment.

In Section 8.10.1 Settlement Monument (p. 37 of Appendix, p. 43 of PDF), a settlement monitoring program is recommended for a duration of six months. The apparent inconsistency between the undefined "extended time period" for settlement and the defined six-month monitoring period creates ambiguity about the adequacy of the monitoring program in addressing potential long-term settlement impacts.

To enhance transparency and provide the public with a clearer understanding of what to expect, the DEIR should include an anticipated construction timeline, reflecting both minimum and maximum durations. This timeline should cover the entire process, from initial groundbreaking to project completion, including the installation of shear pins, grading, fill placement, construction of structures, and post-construction monitoring. This addition would ensure that all stakeholders have a comprehensive view of the project's timeline and associated impacts.

This clarification is essential for ensuring the DEIR's accuracy and supporting effective mitigation planning for the proposed development.

I-15-3

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### **Traffic Data and Safety Recommendations**

#### **Mischaracterization of Driveway as Sidewalk**

I-15-4

Appendix I2 of the DEIR, on Page v (PDF p. 7), states:

“There is a missing sidewalk section adjacent to the project site; therefore, the project owner/permittee proposes to construct the missing sidewalk section of approximately 100 feet in length along the western edge of the cul-de-sac.”

I-15-4 Cont.

This statement is inaccurate. The proposed construction area along the western edge of the cul-de-sac is the location of the driveway to Olive Park Apartments, not a sidewalk. This misrepresentation may give the impression of a community benefit that is not being provided. The report should be corrected to reflect that this area is allocated for driveway access to the development rather than pedestrian infrastructure.

#### **Discrepancies in Reported Traffic Volumes**

The Local Transportation Study includes a traffic graph on Page 125 of the PDF by Counts Unlimited, which indicates 233 vehicle trips on Olive Drive W/Bradley over a 24-hour period on January 25, 2024. This figure appears to be significantly overstated. Based on personal observations and Blink doorbell data, the actual vehicle trips range from approximately 10 to 50 per day, depending on the day of the week. This discrepancy raises concerns about the accuracy of the traffic data and its methodology.

I-15-5

Despite attempts to contact Counts Unlimited, Justin at LOS, and Tam Tran from the City of Oceanside for clarification on the techniques or equipment used, no responses were received. To ensure accurate and reliable traffic analysis, the methodology and equipment used for the car count should be clearly outlined and publicly available.

#### **Overestimation of Traffic Volumes Due to Suboptimal Traffic Management at Olive and College**

The graph on Page 126 of the PDF reports 586 vehicle trips between Bradley and College Avenue. This figure may be overstated due to suboptimal traffic management at the Olive Drive and College Boulevard intersection. Traffic congestion and delays at this intersection appear to cause drivers to divert onto Olive Drive and perform U-turns at Bradley, which inflates traffic volumes recorded for this segment.

Improvements to traffic management at the Olive and College intersection, such as signal timing adjustments or geometric reconfiguration, would likely reduce this diversionary traffic. The reported 586 vehicle trips should be recalculated to account for potential reductions in traffic volumes that could result from these improvements. Using revised projections based on an optimized traffic control scenario would provide a more accurate assessment of the project's traffic impacts.

I-15-6

#### **Safety Measures for Traffic Calming and Pedestrian Protection**

To address safety concerns for pedestrians, bicyclists, and motorists, it is recommended that stop signs be installed on Olive Drive at Bradley. This would provide safer crossing opportunities and help manage vehicle speeds. Additionally, the inclusion of speed bumps along Olive Drive

I-15-7

should be considered to deter motorists from speeding to make green lights at the Olive Drive and College Boulevard signal. These measures would enhance public safety and mitigate potential traffic risks associated with increased vehicle trips from the proposed development.

I-15-7 Cont.

## Conclusion

The Local Transportation Study should be revised to address the inaccuracies in traffic volume data, provide transparency on data collection methodologies, and consider public safety improvements such as stop signs and speed bumps. These updates will ensure the report reflects a more accurate assessment of traffic impacts and prioritizes the safety of the community.

I-15-8

## Project Description

The project description in Section 3.2.4 (Pages 3-4; PDF p. 60) notes the construction of a retaining wall to support the required grading and storm drainage, with the southern boundary stabilized using shear pins and buttressing

### Table 3-2. Project Development Standards and Required Waivers/Incentives

The developer is requesting a waiver from Oceanside Zoning Ordinances OZO 1040 (U) and 3040 - RS Zone, which limit retaining walls to a maximum height of 6 feet, with walls above 4 feet required to be planted and irrigated. The proposed retaining wall, non-plantable and non-irrigated, along the north boundary of the On-Site Impact Area would reach up to 33 feet in height, exceeding the ordinance limit by 27 feet.

I-15-9

While the DEIR mentions the wall's height and purpose Such a substantial deviation from the zoning ordinance raises several concerns related to safety, aesthetics, and long-term functionality.

#### 1. Safety Concerns:

- A retaining wall of this height poses potential risks associated with structural stability, water seepage, and erosion. The project description does not provide details about the inclusion of seepage holes or other drainage systems to prevent water accumulation behind the wall. Without proper drainage, there is a risk of seepage leading to erosion or sinkholes, which could compromise the wall's integrity and safety.
- Article XII of the City's Grading Regulations requires retaining walls to be designed to resist all lateral pressures, including embankment surcharges. The proposed height significantly increases the lateral pressures and potential surcharge loads the wall must withstand.

I-15-10

#### 2. Aesthetic Impact:

- As a non-plantable wall, this structure will create an unadorned surface facing Oceanside Boulevard. The resulting visual impact would detract from the

I-15-11



<p>aesthetic quality of the area and create an eyesore for the community. Alternatives such as terraced walls, decorative finishes, or incorporating vegetation should be considered to mitigate this visual impact.</p> <ul style="list-style-type: none"> <li>○ Conflicting with the City's General Plan Land Use Element Objective 3.14, which recommends installing appropriate retaining structures to mitigate visual and environmental impacts. A wall of this height without plantable features will likely be an eyesore, detracting from the area's visual quality.</li> </ul>	<p>I-15-11 Cont.</p>
<p><b>3. Justification of Waiver:</b></p> <ul style="list-style-type: none"> <li>○ The proposed waiver of 27 feet significantly exceeds the zoning ordinance limit, and the DEIR provides limited discussion about the necessity of this height and design. Further justification and analysis are required to evaluate whether the proposed height and design are the minimum necessary to meet project objectives while minimizing environmental and community impacts.</li> </ul>	<p>I-15-12</p>
<p>To address these concerns, the DEIR should include the following:</p> <ul style="list-style-type: none"> <li>● A detailed engineering analysis explaining how drainage and seepage will be managed to prevent water accumulation, erosion, or sinkhole formation.</li> <li>● An exploration of alternative wall designs, including options for a plantable or terraced wall that aligns more closely with zoning requirements while reducing visual impacts.</li> <li>● A comprehensive justification for the requested height waiver, including why the proposed height and design are the minimum necessary to achieve project objectives.</li> </ul>	<p>I-15-13</p>
<p>Incorporating these revisions will ensure the project adequately addresses safety, aesthetic, and regulatory concerns while aligning more closely with community expectations and zoning standards.</p>	
<p>Addressing these concerns, the DEIR should be revised to include the following:</p> <ol style="list-style-type: none"> <li>1. A detailed engineering analysis demonstrating compliance with Article XII, specifically addressing how the wall will manage lateral pressures and surcharge loads.</li> <li>2. Confirmation that drainage features, such as seepage holes, will be included to prevent hydrostatic pressure and seepage-related risks.</li> <li>3. A soils report identifying whether expansive soils are present and, if so, detailing compliance with Article XIII, including recommendations for soil removal, replacement, or alternative engineering solutions.</li> <li>4. Consideration of aesthetic improvements, such as decorative finishes, terracing, or other design features, to mitigate the visual impact of the non-plantable wall facing Oceanside Boulevard.</li> </ol>	<p>I-15-14</p>
<p>Including these revisions will ensure the project adheres to safety and regulatory standards while addressing the community's environmental and visual concerns.</p>	

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## Response to Comment Letter I-15

Carol Ley  
December 9, 2024

- I-15-1** The comment reiterates information from Section 4.8, Hazards and Hazardous Materials regarding no sensitive receptors, including schools, within 0.25-mile radius of the project site. The comment asserts that this statement is incorrect because there is a daycare at 4015 Olive Drive and the EIR should analyze potential air quality, noise, and hazardous material exposure on this sensitive receptor.

Based on a review of City-approved business licenses, the address identified in the comment is not associated with an active business license. However, according to a document provided by Comment letter I-18, it appears a license was issued by the County to the identified address for “Family Day Care Home” (Facility No. 376622615). As demonstrated in the Final EIR, in the respective CEQA analysis, operations of a residential development like the project would not result in significant hazardous substances, air quality or noise impacts. As stated in Section 4.8, Hazards, construction activities may utilize some limited amounts of hazardous substances. However, that limited use must occur in compliance with various hazardous substance regulations designed to protect public health and the environment, such as CalOSHA requirements, the Hazardous Waste Control Act, CalARP Program, the California Health and Safety Code and corresponding City regulations. Compliance with these requirements is mandatory and ensures potential impacts during construction of the project on the Parcel Area (given the analysis performed in the Final EIR) would be less than significant. Further, Section 4.2, Air Quality includes a full analysis related to the exposure of sensitive receptors to pollutant concentrations and the potential for impacts to the closest sensitive receptors. That analysis determined project impacts would be to be less than significant with mitigation for sensitive receptors located much closer to the project than the identified day care facility. Thus, impacts at the farther away day care facility would also be less than significant. Lastly, noise impacts to sensitive receptors was analyzed in Section 4.11, Noise, and the analysis determined that impacts to the closest sensitive receptors would be less than significant during construction and operation. See response to comment I-18-26 for a discussion as to why the more distant day care facility would also be less than significant. The Final EIR has accurately analyzed impacts associated with the nearest sensitive receptors to the project site and no additional analysis is required.

- I-15-2** The comment reiterates information from Draft EIR Section 4.13, Public Services regarding estimated fire service calls from the increase in residents and states that there is a missing similar estimate for police service calls. The comment asserts that the estimation of police service calls is necessary in order to determine if additional demands on law enforcement would occur and if mitigation is necessary.

As stated in Section 4.13, although development of the Parcel Area would place a slight increase in demand on police protection services, the project’s density does not exceed the amount authorized by the General Plan and zoning. Given the Parcel Area’s relative proximity to the Mission Avenue police station and the other factors discussed in Section 4.13, it is not anticipated that the project would result in the need for construction or expansion of existing police facilities to accommodate new police personnel or equipment. The project is expected to be adequately served by existing police department stations and officers.

Further, the City has an established public facility development impact fee program (Municipal Code Chapters 32B and 32C) that requires new development to provide funds toward capital improvements for public services including police services and the Public Safety Services Community Facilities District to pay for enhanced police department service. The project would be required to pay the required amounts in accordance with the City's requirements.

- I-15-3** The comment restates information from Draft EIR Appendix E1, Geotechnical Investigation, regarding settlement monitoring program and asks that the EIR be revised to include a construction timeline. The discussion in Appendix E1, Section 8.9 is related to the settlement that occurs within the compacted fill that is placed over formational materials (that will not settle due to the fill placement) compared to settlement that occurs from the placement of fill overlying soft soil, as described in Section 8.10. The type of settlement discussed in Section 8.9 does not require any settlement monitoring. The amounts of settlement identified in the Geotechnical Report over an extended period were determined for the project building pad in an as-graded geologic condition that incorporates the properly compacted fill overlying formational materials specified in the Geotechnical Report. The project must also incorporate design elements in the remedial grading plans and structural elements of the buildings that will reduce the potential geotechnical risks related to the types of settlement addressed in Section 8.9 to less than significant.

Appendix E1, Section 8.10 refers to areas where fill is placed overlying softer soil that will settle due to the fill placement. The area referenced in this comment is the location of the future parking lot in western portion of the Net Developable Pad. Consistent with the recommendations in the Geotechnical Report, settlement monitoring would occur over a 6-month period and would cease when survey readings show a relatively level plateau of settlement data over 4 consecutive weekly readings. Improvements in the future parking lot would not be installed until after stabilization is achieved, and after the monitoring program shows the primary consolidation is relatively complete.

Regarding the construction timeline, as stated in Chapter 3, Project Description, it is anticipated that development of the project would occur in two phases over approximately 11 months. For purposes of the CEQA analysis, construction is anticipated to begin in January 2026 and be completed in November 2026.

Also, included in Appendix B, Air Quality and GHG Technical Report, is the following construction schedule (Table 7):

**Table 7. Project Construction Schedule**

Phase	Construction Task	Start Date	End Date	Workdays
1	Site Preparation	1/5/2026	1/16/2026	10
	Grading	1/19/2026	2/13/2026	20
	Building Construction	2/16/2026	12/18/2026	220
	Paving	12/21/2026	1/15/2027	20
	Architectural Coating	1/18/2027	2/12/2027	20
1 – Off-Site Improvements	Linear, Grubbing, and Land Clearing	1/5/2026	2/10/2026	26
	Linear, Grading, and Excavation	2/11/2026	7/27/2026	119
	Linear, Drainage, Utilities, and Sub-Grade	7/28/2026	11/15/2026	79

**Table 7. Project Construction Schedule**

Phase	Construction Task	Start Date	End Date	Workdays
2	Linear, Paving	11/16/2026	1/11/2027	40
	Grading	2/16/2027	2/19/2027	4
	Building Construction	2/22/2027	10/29/2027	180
	Paving	11/1/2027	11/12/2027	10
	Architectural Coating	11/15/2027	12/3/2027	15

- I-15-4** The comment reiterates information from Appendix I2, Geotechnical Investigation, about the missing sidewalk on the west end of Olive Drive and requests that the language be changed to reflect that the project owner/permittee is not “constructing the missing sidewalk” but that the missing sidewalk is the driveway to the proposed project site. The characterization of the improvements in this location does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-15-5** The comment provides an opinion on the number of vehicle trips traveling down Olive Drive and asks for the methodology and equipment used by Counts Unlimited to conduct the traffic counts. See Response to Comm vehicle trips between comment I-10-1.
- I-15-6** The comment states that the 586 vehicle trips reported in Draft EIR Appendix I2 is overstated due to suboptimal traffic management at the Olive Drive and College Boulevard intersection. The comment asserts that the number of vehicle trips should be changed based on the author’s opinion that hypothetical improvements at this intersection could potentially change traffic patterns. The methodology the comment requests is contrary to the mandates of CEQA. For example, the commenter’s requested approach would rely on a speculative and hypothetical baseline. The Draft EIR’s baseline analysis regarding existing traffic conditions relies on actual traffic counts conducted by Counts Unlimited in January 2024. Consistent with the Draft EIR’s approach, CEQA requires project-related analysis to use baseline conditions as opposed to the speculative and hypothetical conditions that assume some theoretical future improvements as proposed in the comment. In contrast to the opinions offered in the comment, CEQA and substantial evidence support the methodology utilized in the Draft EIR’s analysis,
- I-15-7** The comment provides an opinion that stop signs should be installed on Olive Drive at Bradley and speed bumps going down Olive Drive and that those improvements would enhance public safety and mitigate potential traffic risks associated with increase vehicle trips. See Response to Comment I-3-9 for a discussion of the analysis and information demonstrating that the project would have less than significant traffic safety impacts without the improvements identified in this comment. Further, the Draft EIR analyzed consistency with the City’s General Plan Public Safety Element in Section 4.10, Land Use. As stated therein regarding consistency with General Plan Policy 3.12, the project proposes signage, lighting, and other improvements consistent with City regulations addressing user safety on and around the site including wayfinding for pedestrians and bicyclists. In addition, as stated therein regarding consistency with General Plan Policy 3.20, as proposed and conditioned, neither the project location nor traffic generation will create circulation system safety hazards.

- I-15-8** The comment states that the Local Transportation Study should be revised to address inaccuracies in traffic volume data, provide transparency on data collection methodologies, and consider public safety improvements. See Response to Comment I-10-1, and I-15-7.
- I-15-9** The comment reiterates information for Chapter 3, Project Description of the Draft EIR regarding the retaining wall on the southern boundary and how the developer is requesting a waiver from the Oceanside Zoning Ordinance to increase the allowable height of the retaining wall. As stated in Chapter 3, the State of California's Density Bonus Law requires the City of Oceanside to grant up to four incentives and unlimited waivers. As indicated in Table 3-2, the project is requesting a waiver in regard to the retaining wall height.
- I-15-10** The comment opines on the waivers/incentives requested for the retaining wall height and asserts that the height of the retaining wall poses potential risks with structural stability, water seepage, and erosion. The proposed retaining walls will be designed by and in accordance with geotechnical and structural engineer requirements specified in the Geotechnical Report to ensure stability (see Draft EIR Appendix E1, Section 8.14 for a full description of the retaining walls). The project must comply with the measures identified in the Geotechnical Report, therefore, the Draft EIR properly determined that project's design, including the retaining walls, would have less than significant geology and soils impacts.
- I-15-11** The comment opines that the retaining wall would detract from the aesthetic quality of the area, conflict with General Plan Land Use Element Objective 3.14, and should be plantable. Draft EIR section 4.1 evaluates the potential for the project, including the retaining walls, to have significant aesthetic impacts. The comment correctly notes that the project will not be providing plantable retaining walls pursuant to a density bonus waiver/incentive as indicated in FEIR Chapter 3, Project Description, Table 3-2. The FEIR's analysis of aesthetics is based upon the project as described in Chapter 3, Project Description. That analysis demonstrates that project impacts would be less than significant. For example, as stated in Section 4.1, Aesthetics, the City's General Plan does not identify any designated scenic vistas within the project vicinity (City of Oceanside 2002a). The Parcel Area and Total Impact Area are not within the public viewshed of any of the identified visual open space areas listed in City General Plan Table ERM-2. Thus, the project would have no significant adverse impacts on visual quality. Further, the comment's subjective opinions about aesthetic quality of the retaining wall ignore the fact that there would be minimum visibility of the retaining wall from Oceanside Boulevard and the buildings in the foreground along Oceanside Boulevard would interrupt the views. Clear views of the Parcel Area from public vantage points are limited to riders of the NCTD Sprinter segment to the immediate north of the Parcel Area as the Sprinter travels to/from the College Avenue Sprinter Station. However, there are no scenic vistas visible through the Parcel Area as experienced from the nearby segment of the NCTD Sprinter. As to General Plan Land Use Policy 3.14 regarding geotechnical analysis of the retaining wall, please see Response to Comment 1-15-10.
- I-15-12** The comment asserts that the proposed waiver for retaining wall height increase significantly exceeds the zoning ordinance limit and that further justification is required to evaluate whether the proposed height and design are necessary. The height of the retaining wall is based on site topography and underlying geologic formations. See Response to Comment I-15-9 and I-15-10.

- I-15-13** The comment reiterates/summarizes previous comments. See Response to Comments I-15-9 through I-15-11.
- I-15-14** The comment reiterates/summarizes previous comments. See Response to Comments I-15-9 through I-15-11.

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**From:** [mike\\_bullock@earthlink.net](mailto:mike_bullock@earthlink.net) <[mike\\_bullock@earthlink.net](mailto:mike_bullock@earthlink.net)>  
**Sent:** Monday, December 9, 2024 4:42 PM  
**To:** Shannon Vitale <[svitale@oceansideca.org](mailto:svitale@oceansideca.org)>  
**Cc:** [mike\\_bullock@earthlink.net](mailto:mike_bullock@earthlink.net)  
**Subject:** Comments on Olive Park Apartments DEIR of October, 2024

Shannon Vitale, AICP Senior Planner  
 City of Oceanside Planning Division  
 300 North Coast Highway  
 Oceanside, CA 92054  
 Submitted via: [svitale@oceansideca.org](mailto:svitale@oceansideca.org)

RE: COMMENTS ON OLIVE PARK APARTMENTS PROJECT DRAFT EIR

Dear AICP Senior Planner Vitale,

**Appreciation and Scope of Comment**

I appreciate the opportunity to comment on the Draft EIR for the Olive Park Apartments Project. I support the density of this project because we need more housing. I support the building of affordable housing.

I-16-1

**Support for the Oceanside Bicycle Pedestrian Committee Letter**

I do not speak for the Oceanside Bike-Ped Committee. However, I attend their meetings and participate in their meetings. I agree with the points raised in the Committee's letter on this topic.

I-16-2

**Failure to Recognize Our Climate Emergency, California's (CA's) Climate Stabilization Mandate (SB 32), and CA's Plan to Achieve SB 32**

Quotes from the Secretary General of the UN:

- 1.) We have a Code Red Climate Emergency
- 2.) We are solidly on a path to an unlivable planet
- 3.) We are driving towards Climate Hell with our foot on the accelerator.
- 4.) We are dangerously close to the point of no return.

I-16-3

The DEIR fails to reflect the reality of our climate emergency. As we should all know by now, the National Oceanic and Atmospheric Administration (NOAA) plots show that we are living

in a spike of CO2 emissions, that is unbelievably large in both magnitude and slope. This is shown in the Slides in Reference 1. (This email uses the convention that “Reference N” is the “Nth” attachment of this email.) It is also clearly the result of our industrial revolution, which brought about the burning of large quantities of fossil fuels. Showing both temperature anomalies and atmospheric CO2, the 800,000 year NOAA plot shows that although these values have stayed close together on the plot of both values, for 800,000 years, currently the temperature anomaly value is much lower than where it will go if we fail to reduce the slope of the CO2 spike to zero and then cause the slope to go negative, in time to bring down the value of atmospheric CO2, in time avoid a climate catastrophe.

SB 32 is an applicable state law. It is the CA climate mandate for 2030. It corresponds to the work of the UN’s Intergovernmental Panel on Climate Change (IPCC,) to get GHG emissions sufficiently low by 2030 to avoid climate destabilization, which will result in a climate catastrophe. The CARB Scoping Plan is the official CA plan (as stated in AB 32) to achieve SB 32. Paraphrasing from Page 8 of Reference 2, the CARB Scoping Plan cannot be ignored because it is about “climate stabilization” the “objective of CEQA”. Since the time of Reference 2, year 2011, everything has gotten worse and more urgent. Given that we are so close to 2030, ignoring the CARB Scoping Plan means to not adopt the applicable mitigation measures of the CARB Scoping Plan.

Humanity’s code-red climate emergency should be described in the EIR, including the NOAA Plots, which are Slides 4 and 5 of Reference 1, which show that

- The current spike of atmospheric CO2, that we are living in, is due to our emissions starting with the industrial revolution
- The very exceptionally large distance shown on the 800,000-year NOAA plot between temperature anomaly and atmospheric CO2 will, if not reduced in time, bring about the extinction of our species, because the temperature anomaly will move into double digits!

The slides in Reference 1 also show that the CARB Scoping Plan documents the fact that priced parking is an essential GHG-reducing mitigation measure. The Olive Park Apartments project as described fails to price parking. This could be fixed. It should be fixed!

The CARB Scoping Plan is the operative GHG-reducing plan for this project. Ignoring it means that the Olive Park Apartments (the “Project”) exceeds the operative “significance threshold”. Using the concept of “cumulative effects” (what would happen if all projects did this), the projects contributes to climate destabilization.

I-16-3 Cont.



Reference 3 is the CARB Scoping Plan. Reference 4 is its Appendix E. Reference 5 is its Appendix D.

The Olive Park Apartments Project should not be approved unless it can be guaranteed that the cost of assigned parking will be unbundled from the cost of rent, as is done at the Ocean Creek Apartments, being built next to the Crouch Street Sprinter Station.

**ES.2.3**

The project objectives should include complying with CA's Plan to achieve SB 32. The CARB Scoping Plan.

**Table ES.5**

As shown above if this project fails to comply with the CARB Scoping Plan its impact will exceed the applicable significance threshold. This needs to be shown in Table ES.2.

**2.3.5 Regional Plans**

SANDAG had an RTP 2021 that was approved by CARB. However, SANDAG then took out that plan's Road Use Charge, as an act of political grandstanding. CARB has not yet approved the amended (and degraded) RTP. As things stand now, there is no approved RTP. Besides that, the section ignores the applicability of the CARB Scoping Plan. The SB 375 driving reduction is 19% by 2035. The CARB Scoping Plan's driving reduction is 25%, 5 years sooner, in 2030. Clearly, SB 375 has been overtaken by events (OBE.) SB 375 is obsolete.

**Traffic Study?**

There should be a traffic study. The study should be about VMT reduction; it should *not* be about level of service (LOS). A VMT study would be easy if the Olive Park Apartments were to conform to the CARB Scoping Plan by having "Managed Parking." The CARB Scoping Plan says that if its mitigation measures are adopted, there will be a VMT reduction of 25% with respect to 2019 levels, by 2030. Therefore, the Traffic Study could easily conclude the CARB Scoping Plan's VMT reduction applies to the Olive Park Project if it conforms to the CARB Scoping Plan.

**A Recent Example of a Project that Conformed to the CARB Scoping Plan**

It is important to recognize that the recently opened Front Wave Arena, an \$85 million dollar arena that seats 7,000 people and is six tenths of a mile from the Rancho Del Oro Sprinter train station will have priced parking for their patrons. Therefore, the Front Wave Arena Project conforms to the CARB Scoping Plan. There is an effort to "manage" the parking around the arena by putting up temporary signs in surrounding parking lots (for

I-16-3 Cont.

I-16-4

I-16-5

I-16-6

example parking lots for the Aquatics Center, the Sprinter station, the Senior Center, a small shopping center, and apartments) saying that the parking may not be used by the patrons of the Arena. Enforcement would be difficult and very labor intensive. It is reasonable to assume that not all drivers will comply with the signs. “Managed Parking” is an obvious solution for the area around the Arena. In any case, the Arena is complying with the CARB Scoping Plan. We should celebrate that they did not just decide to have “free parking” and raise their Arena prices to make up for the lost car parking revenue, which would be unfair to those that bike, walk, or use transit to go to an Arena Event. It would also be disrespectful of CA’s climate mandates and laws, which would also be disrespecting the value of life on the planet, including the life of Homo Sapiens. The connection between our climate crisis and mass starvation and human extinction is explained in the email below, including its attachments. As has been stated, that connection should be made in any EIR about projects that accommodate cars.

I-16-6 Cont.

**A Car-Parking System that Conforms to the CARB Scoping Plan and Increases Economic Equity and Choice While Reducing Per-Capita VMT**

*Managed Parking* (the phrase I will use here, while giving credit to the Toll Brothers employees who started using the phrase in both public and private discussions and noting that “Managed” parking is “priced” parking, plus other features to make it feasible and politically acceptable) should have been adopted into the OTC project because it is a feasible mitigation measure and because it would result in the OTC Project conforming to the official CA Plan to reduce GHG emissions. That official plan was created in accordance with AB 32, which describes the process, and SB 32, which is the official CA climate (GHG emission level) mandate, for year 2030. *Managed Parking*, as used here is the same system explained to the CEO of Ace Parking and, as shown in the 6<sup>th</sup> attached file, he does not think the 3<sup>rd</sup> attached file. As shown in the 4<sup>th</sup> attached file, CA must reduce per-capita VMT by 25% with respect to the 2019 level, by 2030. It also shows that pricing is essential, and that the needed pricing is for both road use and for car-parking use. Therefore, the Olive Park Apartment project is not in conformance with the official CA plan to achieve SB 32, which was created to have CA support the UN’s Intergovernmental Panel on Climate Change’s (IPCC’s) work, which is attempting to avoid climate destabilization, by reducing emissions as required by SB 32, by 2030. The IPCC work is focused on reducing 2030 emissions enough to avoid climate destabilization, as determined by our best current understanding of climate science. This means that the CARB Scoping Plan is the best way to determine environmental impact significance. A project that fails to comply with the operative climate plan is a project that therefore has a GHG impact that exceeds the significance threshold. There is also a CEQA-law requirement to implement feasible mitigation measures that have been identified. The Ace Parking CEO understands how the

I-16-7

car-parking system works and agrees that it is a practical and feasible solution to the problems caused by the so-called “free parking” car parking system, that does not conform to the Scoping Plan and discriminates, economically, against those who own fewer cars and drive less.

“Managed Parking” is defined in the 2nd attached file.

I will add these words for those who want a list of “Managed Parking” features, pasted in from another email message with an introductory and a conclusion statement:

*To steer developers to compliance with the CARB Scoping Plan (no “free” parking), we should proceed in this way, after asserting the legal requirement:*

- 1. We should recommend managed parking and point out that so-called “free parking” is not free, because such a scheme lowers wages, increases rent, and increases the cost of many items, including food. And that instead of “free parking” we need “managed parking,” with these features:*
- 2. Parking should be managed so that it earns money for those for whom the parking is built or for those who are losing money because the parking is being provided. Opening an account, for easy deposit, would be encouraged. Employees would get an “add-in” payment, if that is needed, so they break even if they drive every day. The data needed to compute earnings (for employees, time spent at work) would also be collected automatically. For example, employees might be required to carry a FOB, when they go to work. If a train system has car parking, it would be helpful to have all riders carry a FOB, which would also make it easy to automatically charge the fare, beside pay the car parking earnings to the driving-age riders, based on time spent on round trips.*
- 3. All parking is shared. That means that all parking in the system is available to everyone with a license plate, so they can be billed. Opening an account that associates the license plate with an account would be encouraged, for the easy flow of money.*
- 4. Parking is value priced, with the exception being for on-street parking, when the occupancy is lower than an agreed-upon threshold, like, for example, 50%. When occupancy is below the threshold, the parking could be free. When the occupancy rate exceeds an agreed-upon threshold, the rate jumps up to the value price. There would also need to be a price increase to prevent the occupancy from going over an agreed to limit, such as 85%. This could be called “congestion pricing”. A congestion pricing algorithm (price adjustments upward) is shown in the 8<sup>th</sup> attached file.*
- 5. Parking pricing includes congestion pricing to keep the occupancy rate from exceeding an agreed-upon value.*

I-16-7 Cont.

6. *Parking is fully automated, so there is no more to do than what is required for so-called “free” parking (just drive into the parking space and leave at whenever desired.)*
  7. *Data collection to support the earnings calculations is also fully automated, such as how long an employee is at a work site.*
  8. *The entire system is provided (designed, installed, and operated) by a vendor, selected in an RFP (Request for Proposal) process.*
  9. *The best place to have the first system is at a place of employment, noting that a municipal government is an employer, and that the system should not cost the employer any money. (ACE Parking, for example, is willing to do the system at no cost. They would take a small percentage of the revenue, leaving earnings, for those for whom the parking is built.)*
  10. *The vendor would be skilled at monetizing unused parking and monetizing data.*
  11. *Privacy would be protected, as it should likewise be specified for a Road Use Charge.*
  12. *The vendor would be skilled at providing solar canopies, providing charging stations, and buying and selling electricity.*
  13. *Assigned parking is charged 24/7. However, the rate (cost charged per minute) can be different for the “car parked” and the “no car parked” durations, in a way that will reward less driving. For example, in an apartment complex the “car parked” rate would be less than the “no car parked” rate, to encourage renters to not use their car as much. At work, the opposite would be true, to reward not driving to work.*
  14. *It is expected that the system will be able to take instructions and negotiate verbally with the driver to find the best available parking spot, given the drivers willingness to walk and willingness to pay.*
- I have explained this system to the CEO of ACE Parking. He wants to supply the solution. He will submit a proposal.*

Also note:

- 1.) *Oceanside has a description in their *Draft Climate Action Plan Update* describing the possibility of charging City employees to park in their employee car parking area and using the collected money to pay “cash out,” which is a name for money that is given to employees when they get to work without driving. This shows a willingness to consider change, although it is not comprehensive, and it does not solve the problems that it would cause, such as not protecting neighborhoods from car parking intrusion. For example, to protect adjoining neighborhoods from the*

I-16-7  
Cont.

I-16-8

intrusion of parked cars, the neighborhood streets would need to be brought into the “Managed Parking” car parking system, with the car parking earnings going to residents. The Oceanside planners are varied in their respect for CA’s climate mandates and plan. The appetite for constructive change varies among employees. The final decision makers are the voters of Oceanside. The Council is open to discussion on these issues.

I-16-8  
Cont.

2.) The NCTD seems (to me, and I may be incorrect) uninterested in car parking policy and does not seem to think that the CA climate mandates and the CARB Scoping Plan mitigation measure of “priced parking” have any relevance to their mission of increasing transit ridership. Also, the NCTD does not seem to think that the CA climate mandates and the CARB Scoping Plan mitigation measure of “priced parking” have any relevance to CEQA law or the projects that are proposed. The NCTD Board of Directors is elected and so, like Oceanside, the voters are in control. The Board members are probably, for the most part, open to discussion on these issues.

I-16-9

3.) Both the Oceanside Bike-Ped Committee and the Sierra club have submitted letters that are now in the public domain that show they understand and support “managed parking”.

I-16-10

#### **Other Mitigation Measure to Reduce GHG Emissions and Improve the Project**

##### **No “Natural Gas”**

This mitigation measure is to not include piping for so-called “natural gas” in any of Olive Park Apartment buildings.

So-called “natural gas” is about 85% methane, CH<sub>4</sub>. It has been shown that, on average, over all piped systems, natural gas leaks at a rate of over 1%. Because CH<sub>4</sub> is a powerful GHG, the use of “natural gas” results in as much GHG per unit of energy as coal, often cited as being the worst climate change agent. “Natural gas” is also unhealthy. It has been shown that living around it increases respiratory disease and cancer. It is also dangerous because it is more likely to cause a fire or explode than electricity. Currently, electricity is about 35% renewable. That value is expected to be much higher as time goes on. For example, San Diego’s CAP promises that electricity will be 100% renewable by 2035. Not including “natural gas” will save money.

I-16-11

A significant portion of the public may still think that a gas cook top is superior to an electric induction cook top. However, the induction cook top can boil water faster, adjusts upon command the heat being applied to the food much faster, and is far superior in terms of clean up and maintenance. Sooner than many expect, gas cook tops will become an

embarrassment, like the once-cherished CRT televisions. As another example, internal combustion engine devices, from leaf blowers to cars, are likewise to become an embarrassment compared to electric. It is always inevitable that old technology becomes an embarrassment, after the advantages of the new and superior replacement technology become obvious to a large percentage of people.

I-16-11  
Cont.

**Final Thanks**

Thank you for your leadership in performing your critical work. Thank you for reading this material and for providing your comments and response. Please let me know if you would like to meet to discuss this material or related topics. Please get ahead of any legal challenges by producing an amended DEIR, to minimize delay, as described above.

I-16-12

Highest regards,



Mike Bullock  
1800 Bayberry Drive  
Oceanside, CA 92054  
760 421 9482

Former California Democratic Party Delegate, 76th Assembly District (author of 2 adopted resolutions and 5 Platform changes)

Former Elected (now Associate) Member of the San Diego County Democratic Party Central Committee (author of 5 adopted resolutions)

Final title before leaving Aerospace: **Senior Staff Systems Engineer**

Air and Waste Management Association published and presented papers:

Author, ***The Development of California Light-Duty Vehicle (LDV) Requirements to Support Climate Stabilization: Fleet-Emission Rates & Per-Capita Driving***

Author, ***A Climate-Killing Regional Transportation Plan Winds Up in Court: Background and Remedies***

Co-author, ***A Plan to Efficiently and Conveniently Unbundle Car Parking Cost***

I-16-13



Quotes from the Secretary General of the UN:

- 5.) We have a Code Red Climate Emergency
- 6.) We are solidly on a path to an unlivable planet
- 7.) We are driving towards Climate Hell with our foot on the accelerator.
- 8.) We are dangerously close to the point of no return.

I-16-14

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## Response to Comment Letter I-16

Mike Bullock  
December 9, 2024

- I-16-1** The comment expresses general support for the project and the need for more affordable housing. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-16-2** The comment expresses agreement with the Oceanside Bicycle and Pedestrian Committee comment letter. See Response to Comment Letter O-3. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-16-3** The comment asserts that the Draft EIR fails to reflect the reality of our climate emergency, restates information provided in the references to the comment letter, and states that if the project fails to comply with the CARB Scoping Plan it would be a significant impact. The Draft EIR includes a thorough analysis of compliance with GHG reduction plans, including SB 32 and the CARB Scoping Plan, in Section 4.7, Greenhouse Gas Emissions. As stated therein, the project would be consistent with the CAP and other applicable GHG reduction plans and, therefore, would be consistent with state GHG reduction goals and progress toward achieving carbon neutrality. See Response to Comment I-1-3.
- The comment also asserts that the project should not be approved unless it can be guaranteed that the cost of assigned parking will be unbundled from the cost of rent as this is an essential GHG-reducing mitigation measure. As demonstrated in Section 4.7, the project would result in less than significant GHG impacts and no mitigation is required. The project is consistent with the City's CAP and the additional measures identified in this comment is not required for the project to have less than significant GHG impacts.
- I-16-4** The comment provides background information on SANDAG's 2021 RTP and states that the project ignores the applicability of the CARB Scoping Plan. See Response to Comment I-1-3 and I-16-3.
- I-16-5** The comment asserts that there should be a traffic study that is about VMT reduction and not about LOS. The project-specific VMT analysis is provided in the Draft EIR as Appendix I1. A VMT analysis is required to satisfy the CEQA guidelines that use VMT as the measure of effectiveness for determining transportation impacts. In addition, as analyzed in Section 4.15, Transportation, the project satisfies both of the screening criteria resulting in a VMT reducing project.
- I-16-6** The comment provides information on the Front Wave Arena project in the City of Oceanside and states that the connection between our climate crisis and mass starvation and human extinction should be made in any EIR for projects that accommodate cars. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-16-7** The comment provides information related to priced parking; states that the project is not in conformance with SB 32. See Response to Comment I-1-3 and I-16-3.

- I-16-8** The comment provides information about the CAP and the possibility of charging City employees to park in the employee car parking area. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-16-9** The comment provides an opinion on NCTD's car parking policy. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-16-10** The comment states that the Oceanside Bicycle and Pedestrian Committee and the Sierra Club have submitted letters that are in the public domain that show they understand and support "managed parking". The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-16-11** The comment provides background information on the use of natural gas and states that the project should include mitigation to not allow piping for natural gas. The comment offers an opinion and does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-16-12** The comment provides conclusory remarks. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-16-13** The comment lists references and attachments that were provided as part of the comment letter. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-16-14** The comment provides quotes from the Secretary General of the UN. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

Comment I-17

**From:** Diane Nygaard <[dnygaard3@gmail.com](mailto:dnygaard3@gmail.com)>  
**Date:** December 11, 2024 at 5:17:25 AM PST  
**To:** Shannon Vitale <[SVitale@oceansideca.org](mailto:SVitale@oceansideca.org)>  
**Subject:** Comments on Olive Park Apts DEIR

**Warning: External Source**

Hi Ms Vitale

I just realized that the deadline for comments was Dec 9th so these are technically late.

Many of our concerns with this project have been addressed. However, there remain a few issues that still need attention to move this to a project that actually achieves the benefits that can come from real smart growth.

The following are our comments on the DEIR for this project:

**Biological Resources**

- accounting for prior habitat takes

There still has been no reckoning/ mitigation for the previously documented illegal habitat takes that have occurred on this site. We realize this occurred prior to the current ownership, but this history still has had adverse impacts on achieving the goals of the SAP and there needs to be better accounting for these impacts, and mitigation.

- consistency with SAP conditions to mitigate within the WCPZ

We realize there is biological value to providing some mitigation on site, particularly given the unpermitted losses that have occurred. But given the amount of mitigation needed, we beleive that at least part of this should occur within the WCPZ- consistent with the provisions of the SAP. Failure to do this is a violation of the SAP and contributes to cumulative impacts to the regional wildlife movement corridor.

- edge effect conditions

Given that the project is immediately adjacent to what will be hardline preserve, the edge effect conditions from the MHCP need to be included as project conditions. These were routinely included by the city for several years and need to be re-instituted. These have been submitted previously and have also been shared with the applicant.

- eucalyptus debris and impact on habitat

I-17-1

I-17-2

I-17-3

I-17-4

I-17-5

Eucalyptus trees change the soil chemistry in ways that are detrimental to native plant success. Since it appears that substantial eucalyptus trees will remain within what will become hardline preserve land the land management plan needs to specifically address how these trees will be managed over time to address this.

I-17-5 Cont.

#### **Green House Gas Emissions (GHG)**

- The CAP Checklist has not been signed/verified

I-17-6

The DEIR assumes consistency with the CAP Checklist , yet the checklist has not been signed/verified by staff. At what point in the process is this ensured?

- project still shows a small amount of natural gas use

I-17-7

We would like to see this clearly defined as an all electric project with no natural gas infrastructure and with the inclusion of additional Title 24 voluntary measures.

- assurances of Checklist compliance over the life of the project

There needs to be a mechanism that ensures the minimum 22% pervious cover and 12% tree canopy cover provided initially are maintained throughout the life of the project. This mechanism needs to be specified in the conditions of approval.

I-17-8

- plans to accommodate increased EV use over time

The project meets the current minimum requirements for EV hookups/charging. But there is no discussion as to how this will be addressed as California moves to 100% EV's. GHG analysis is a cumulative impact so this needs to be addressed for the life of the project that includes responding to this known change in future conditions.

I-17-9

#### **Transportation**

- improved support for alternative transportation

Parking standards are adjusted for projects like this because of their transit access. We appreciate the direct connection to the Sprinter platform, which should also support increased transit use. We believe further action is needed to optimize bicycle and pedestrian use. We support the recommendation of the OS Bike Committee submitted separately. In addition there should be improved provisions for secure bike storage on site.

I-17-10

- documentation of actual mode split

Oceanside's current TDM ordinance does not apply to residential projects like this, but they still cause substantial traffic impacts on the surrounding roads. Documenting actual mode

I-17-11

split would help with continued refinement of both parking standards and better integration of alternative transportation with TOD projects like this. The developer has indicated a willingness to consider this.

I-17-11  
Cont.

- speed limit on Oceanside Blvd

Given the increased pedestrian and bicycle traffic we request consideration of reduced traffic speeds in the station vicinity.

I-17-12

Thank you for considering our comments.

Diane Nygaard

On behalf of Preserve Calavera

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## **Response to Comment Letter I-17**

**Diane Nygaard on behalf of Preserve Calavera  
December 11, 2024**

**I-17-1** The comment provides an introduction to the comments that follow. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

**I-17-2** The comment states that there has been no mitigation for the previously documented illegal habitat takes that occurred onsite. The comment acknowledges that this occurred prior to current ownership but opines there needs to be better accounting and mitigation for the disturbance that occurred years before the CEQA analysis for the project commenced.

CEQA Guidelines Section 15125 requires that the EIR describe the physical environment, or baseline, at the time the environmental analysis is commenced or at the time of the Notice of Preparation. As required, the Draft EIR's biological analysis is based on surveys of and information about the property as it existed at the start of the CEQA process. Actions of prior owners performed years before the baseline conditions have no bearing on the project's CEQA analysis or the mitigation required to address potentially significant impacts to the baseline biological condition of the environment.

As stated in the Draft EIR Section 4.3, Biological Resources, "The City of Oceanside Subarea Plan has been prepared and is used as a guidance document for development projects in Oceanside, but the Oceanside Subarea Plan has not been approved or permitted (City of Oceanside 2010)." Nonetheless, the proposed project was assessed for consistency with the draft Subarea Plan by reviewing the applicable Subarea Plan standards against the proposed project. Appropriate project design features and mitigation measures consistent with the Draft Subarea Plan and in compliance with applicable federal, state, and local codes are also required and incorporated into the project and EIR. For example, MM-BIO-1 requires the designation of open space to be managed according to a habitat management plan. The habitat management plan will be prepared pursuant to the Subarea Plan's preserve management guidelines and performance criteria. As required by the Subarea Plan the project is going through the process of preservation and restoration which will be reviewed and approved by the City, USFWS and CDFW. Compliance with the draft Subarea Plan's goal related to prior unauthorized habitat disturbance within the Parcel Area would be addressed by USFWS and/or CDFW, as may be appropriate as part of the permitting process.

**I-17-3** The comment offers an opinion about what the draft Subarea Plan requires and that mitigation for project impacts to biological resources should occur within the Wildlife Corridor Planning Zone (WCPZ). The project includes on-site preservation and enhancement of 32.6 acres of high-quality coastal sage scrub, southern mixed chaparral and other native habitat types. As Draft EIR Section 4.3 demonstrates, the establishment of the perpetual conservation easement over those 32.6 acres far exceeds the amount of mitigation required to mitigate project impacts to less than significance. Further, as contemplated by the draft Subarea Plan, the project will enhance and preserve in excess of 75% of the project site's coastal sage scrub (nearly 95% of coastal sage scrub). Additionally, more than 18 acres of coastal sage scrub will be protected onsite through the restoration and enhancement of disturbed habitat adjacent to existing coastal sage scrub and the conservation of the existing coastal sage scrub onsite as identified in MM-BIO-1. In addition, as stated in Draft EIR Section 4.3, Biological Resources,

the Parcel Area is outside of the Wildlife Corridor Planning Zone designated by the draft Subarea Plan. The preferences and opinions of the comment will be forwarded to the decision makers. See Response to Comment I-17-2.

- I-17-4** The comment states that previously used City conditions regarding edge effect should be incorporated as project conditions. Similar information was requested in this commenter's NOP comment letter. As the Draft EIR illustrates, the project would have less than significant indirect biological resource impacts with mitigation and it complies with the Subarea Plan's edge effect provisions. By way of example, the project prohibits use of invasive plant species as part of its landscape plan plant palette (MM-BIO-6), the project design includes exclusionary fencing adjacent to the conservation easement area (MM-BIO-2), and numerous protective measures will be implemented during project construction (PDF-BIO-1). All those, and other project elements are appropriately assured by law, other regulatory permits and approvals, the MMRP or imposition of project conditions. Although not required for the CEQA less than significant impact or draft Subarea Plan consistency determinations, the Final EIR incorporated several clarifying or amplifying revisions to PDF-BIO-1, MM-BIO-1, and MM-BIO-4 in response to this comment.
- I-17-5** The comment states that eucalyptus trees change the soil chemistry and opines that the land management plan for the conservation easement area needs to address how these trees will be managed over time. Per MM-BIO-1 the open space conservation easement will be managed in accordance with a habitat management plan in perpetuity. The mitigation measure requires preparation of the habitat management plan by a qualified biologist pursuant to the performance criteria and the draft Subarea Plan's Preserve management guidelines. The habitat management plan will be approved by the City and wildlife agencies and will require monitoring and maintenance of the open space areas. Thus, that plan will holistically address management of the preserve including areas with eucalyptus trees. Further, consistent with the draft Subarea Plan, the habitat management plan must require removal of new invasive species; therefore, the existing eucalyptus tree footprint will not expand.
- I-17-6** The comment states that the CAP Checklist has not been signed/verified by staff and asks at what point in the process this is ensured. City staff has reviewed the project's CAP Checklist and determined that the project complies with the CAP and the City's implementing regulations. The City's CAP Checklist is not mandatory for projects that complete a project specific Greenhouse Gas Emissions Technical Report. However, the applicant prepared the CAP Checklist (Appendix C to Appendix B) to demonstrate compliance with the City's Climate Action Plan. Staff has reviewed the CAP checklist submitted by the applicant and will sign the document for inclusion in the record of proceedings for the project.
- I-17-7** The comment states that the project still shows a small amount of natural gas use and they would like to see an all electric project with no natural gas infrastructure and inclusion of additional Title 24 voluntary measures. The Draft EIR conservatively assumed some natural gas usage for purposes of analyzing CEQA impacts. The project is predominantly electric as shown in Draft EIR Section 4.7, Greenhouse Gas Emissions. Even with the inclusion of some natural gas, project GHG, Air Quality and energy impacts were determined to be less than significant. Therefore, as it relates to CEQA compliance, the complete elimination of natural gas usage from the project and the inclusion of more Title 24 voluntary measures is not necessary.
- I-17-8** The comment argues that there needs to be a mechanism specified in the Conditions of Approval to ensure the minimum 22% previous cover and 12% tree canopy cover are maintained. As stated in Chapter 3, Project Description, the project design provides 24% permeable surface and 37% tree canopy, compared to the code requirement of 22% and 12%, respectively. The proposed project is

required to comply with Article 3049, Urban Forestry Program, of the City's Zoning Ordinance that establishes the requirement that new development over 1 acre provide a minimum tree canopy area of 12% and a minimum permeable surface area of 22%. The same code section requires that the project prepare and that the City approve a "Landscape and Tree Canopy Management Plan (LTCMP). The LTCMP shall include information regarding regular, seasonal, and emergency maintenance, trash abatement, irrigation, tree/plant care, tree replacement, insect and disease infestation prevention, integrated pest management, and appropriate response process etc. Projects that do not maintain landscape in a manner consistent with the approved LTCMP shall be subject to code enforcement action." Further, the project's Conditions of Approval require installation and maintenance of landscaping in accordance with the project-specific landscape plan and compliance with the City's Urban Forestry Program. Thus, by law and through project conditions, appropriate enforcement mechanisms exist.

- I-17-9** The comment acknowledges that the project meets the current minimum requirements for EV hookups/charging. The author argues that California is moving towards 100% EV's so the project should do more. The author's opinion is based on a misunderstanding of California policy regarding EV's. In addition, as stated in Chapter 3, Project Description, the project will provide 87 EV-ready stalls (25% of all spaces); 18 EV-installed stalls (5% of all spaces); and 35 EV-capable stalls (10% of all spaces). Per the City's Zoning Code Section 3048, projects are required to provide EV-parking for 15% of total parking spaces. Thus, the project exceeds the applicable EV parking requirements. Further, the Draft EIR demonstrates that the project will have less than significant GHG impacts based on the amount of EV parking proposed by the project. CEQA does not require imposition of a requirement that the project provide a higher percentage of EV parking.
- I-17-10** The comment expresses appreciation for the project providing a direct connection to the Sprinter station. The author expresses an opinion that further action is needed to optimize bicycle and pedestrian use including improved provisions for secure bike storage onsite. The project also expresses support for the comment letter provided by the Oceanside Pedestrian and Bicycle Committee. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required. Nonetheless, the College Boulevard Sprinter Station includes bike lockers. In addition, the project will provide bicycle parking spaces for residents and visitors.
- I-17-11** The comment acknowledges that Oceanside's current TDM ordinance does not apply to residential projects. The comment opines that documenting actual mode split would help with refinement of parking standards and better integration of alternative transportation with EOD projects like this. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required. Under CEQA, traffic impacts are analyzed using VMT. The Draft EIR demonstrates that the project will have less than significant traffic impacts. Therefore, CEQA does not require imposition of a TDM requirement on the project.
- I-17-12** The comment offers the opinion that increased pedestrian and bicycle traffic on Oceanside Blvd should cause the City to consider reduced traffic speeds in the vicinity of the Sprinter station. This general comment will be forwarded to the decision makers for consideration. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.

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## DEIR Comments for Olive Park Apartments

<b>DEIR Comments for Olive Park Apartments .....</b>	<b>0</b>
<b>1. Air Quality.....</b>	<b>1</b>
1.1. Fugitive Dust Impact on Adjacent Neighborhoods .....	1
<b>2. Biological Resources.....</b>	<b>2</b>
2.1. Habitat Impacts and Mitigation Measures .....	2
<b>3. Geology and Soils.....</b>	<b>3</b>
3.1. Waivers for Hillside Development Regulations and Long-Term Stability Concerns.....	3
<b>4. Noise.....</b>	<b>5</b>
4.1. Unaccounted Variables in Noise Measurements .....	5
4.2. Insufficient Noise Analysis Due to Oversimplified Modeling of Equipment Use .....	6
4.3. Inadequate Analysis of Cumulative Construction and Traffic Noise Impacts .....	7
4.4. Baseline Construction Traffic and Noise Assessments Require Revision .....	8
4.5. Use of Melrose Heights and Vista Noise Data .....	10
<b>5. Population and Housing.....</b>	<b>12</b>
5.1. Jobs-to-Housing Imbalance .....	12
<b>6. Transportation.....</b>	<b>13</b>
6.1. Failure to Acknowledge Feasible Ingress/Egress Alternatives .....	13
6.2. Missing Bicycle Infrastructure on Olive Drive Undermines Safety Goals .....	15
<b>7. Misc. Comments.....</b>	<b>17</b>
7.1. Reevaluation of "Urban" Designation.....	17
<b>8. Supporting Documentation .....</b>	<b>19</b>
8.1. Table: Olive Park Metrics Based on Available Data .....	19
How I Got the Numbers for "Olive Park Metrics Based on Available Data" Table.....	20
Alternative Population Estimates (2020 Census) .....	21
Vehicle Ownership Data (U.S. Census Bureau).....	22
8.2. Table: Discrepancies Between Equipment Listed in Appendix B and Appendix H .....	24
8.3. Proof of Daycare Operating out of 4015 Olive Drive .....	25
8.4. Email Correspondence: CPUC Formal Application Requirements for Rail Crossing Approval.....	26
8.5. Email Correspondence: CPUC Clarification on Railroad Crossing Regulations .....	27

I-18-1

Megan Ley, DEIR Comments for Olive Park Apartments

# 1. Air Quality

## 1.1. Fugitive Dust Impact on Adjacent Neighborhoods

The Draft Environmental Impact Report (DEIR) for the Olive Park Apartments Project inadequately addresses the impacts of fugitive dust on adjacent neighborhoods to the east, despite acknowledging consistent west-to-east wind patterns.<sup>1</sup> This omission constitutes a violation of CEQA's requirement for thorough and site-specific environmental analysis.

### Prevailing Wind Direction and Localized Impacts

The DEIR acknowledges that "light daytime winds, predominantly from the west, further aggravate the condition by driving air pollutants inland, toward the mountains" (Appendix B, p. 26). These prevailing winds would likely carry fugitive dust and air pollutants generated during construction toward residential neighborhoods east of the project site. However, the DEIR does not include localized dispersion modeling to evaluate the extent of this impact.

Mitigation measures under PDF-AQ-1, such as watering exposed surfaces and limiting vehicle speeds, are generalized and do not address site-specific risks. The DEIR states, "dust control measures such as watering exposed surfaces are presumed adequate without further modeling".<sup>2</sup> This reliance on assumptions, without localized analysis, fails to demonstrate that fugitive dust impacts will remain below significance thresholds for sensitive receptors.

**CEQA Violations:** The absence of localized dispersion modeling contradicts CEQA Guidelines §15091, which require evidence-based measures to mitigate significant health impacts. Moreover, the DEIR's conclusion that impacts are "less than significant" is unsupported by adequate receptor-specific analysis for eastward neighborhoods.

### Recommendations

1. Conduct localized dispersion modeling to assess the impact of fugitive dust on neighborhoods east of the site under prevailing wind conditions.
2. Develop enforceable mitigation measures tailored to address localized impacts, including real-time monitoring and contingency strategies for high winds.

Without these revisions, the DEIR fails to adequately evaluate or mitigate the project's air quality impacts, exposing sensitive receptors to significant health risks.

I-18-2

<sup>1</sup> Dudek. *Draft EIR Olive Park Apartments Project*. October 2024. p. 453; Appendix B, p. 26.

<sup>2</sup> Dudek. *Draft EIR*. p. 453.

Megan Ley, DEIR Comments for Olive Park Apartments

## 2. Biological Resources

### 2.1. Habitat Impacts and Mitigation Measures

Despite the project's claims to protect sensitive habitat, key documents show large portions of untouched coastal sage scrub and ashy spike-moss at risk. Below, we detail the project's shortcomings and conclude with recommendations for genuine, enforceable mitigation.

**Impacts to Sensitive Habitat in the Southern Portion of the Parcel:** Although the project's "Description & Justification" claims that habitat areas "have also been identified across the southern and western portions of this parcel" and that "the proposed project impact area is designed to avoid existing habitat and riparian areas to the greatest extent possible" (Description & Justification, p. 4), Appendix C: Biological Technical Report identifies "undisturbed Diegan Coastal Sage Scrub" and "Ashy spike-moss" within the southern impact area (Appendix C, p. 12). Overlays with the Geotechnical Report confirm that extensive construction—including shear pins "backfilled with lean concrete slurry" (Geotechnical Report, p. 25), buttresses, and brow ditches—would occur in this sensitive zone, directly undercutting the stated goal of avoiding habitat disruption.

I-18-3

**Inadequate Mitigation of Habitat Loss:** Although the DEIR states, "The permanent loss of habitat would be mitigated to less than significant through the preservation of 8.19 acres of the 32.63-acre conservation easement area" (p. 158), it fails to present a binding plan to restore the very areas it labels as "disturbed." Instead, it points out that "The conserved area also contains 3.69 acres of disturbed habitat and 0.92 acres of eucalyptus woodland, which could provide restoration or enhancement opportunities in the future" (p. 170) without guaranteeing action. Preserving existing habitat does not replace what will be permanently destroyed, and vague promises of "opportunities" for restoration, unaccompanied by clear timelines or enforceable steps, fall short of CEQA's requirements for meaningful mitigation.

I-18-4

**Deficiencies in Conservation Easement Design:** Despite the DEIR's assertion that its "Resident Education Program" will "advise residents of the potential impacts to listed species and the potential penalties for harming such species" (p. 174), the plan relies on voluntary cooperation rather than an enforceable mechanism to limit edge effects. The fence touted as "cat-proof" is, in reality, a traditional iron fence with a steep 30-foot drop along its boundary, allowing open access by both people and pets. Furthermore, the DEIR omits any analysis of how far noise and light from a development intended for 557 to 790 residents will penetrate the conservation area, leaving a significant gap in assessing the project's long-term ecological impacts.

I-18-5

**Conclusion:** The City should require a concrete restoration plan—one with clear deadlines and enforceable standards—to address "disturbed" habitat and offset unavoidable habitat loss. The conservation easement design must also integrate robust barriers against intrusion, coupled with enforceable (not merely voluntary) rules. Without these revisions, the project risks causing lasting harm to the very resources the DEIR claims to protect.

I-18-6

Megan Ley, DEIR Comments for Olive Park Apartments

### 3. Geology and Soils

#### 3.1. Waivers for Hillside Development Regulations and Long-Term Stability Concerns

The Olive Park Apartments project requests waivers under Oceanside Zoning Ordinance (ZO) §3039(E) for hillside development standards and grading limitations. These waivers allow significant deviations from the City's Public Safety Element guidelines, which highlight slope instability and erosion as critical safety risks. The DEIR inadequately addresses these risks, especially in the context of repairing and stabilizing an ancient landslide.

##### Issue 1: Grading Limitations and Slope Instability

The proposed grading exceeds the 7,500 cubic yards per acre limit by nearly 19 times, with a total of 142,360 cubic yards of cut material, averaging 13,097 cubic yards per acre. This grading footprint is justified as necessary for the development pad but risks destabilizing soils already marked as "Moderate-Major" for slope instability in the Public Safety Element.<sup>3</sup> Figure PS-3 further designates the area as "Most Susceptible to Landslides," highlighting the severe geologic risks.<sup>4</sup>

Olive Park Apartments's Description & Justification claims the project will facilitate the "repair and stabilization of the ancient landslide slopes" south of the project site.<sup>5</sup> However, it does not provide evidence that this work will mitigate long-term risks of reactivation. Further, the Public Safety Element warns that "development in a stable, ancient landslide area can result in re-activation of the slide."<sup>6</sup> The DEIR fails to assess how the requested waivers might worsen long-term risks under future climate conditions.

##### Issue 2: Erosion Risks and Lack of Long-Term Mitigation

While shear pins and buttresses are being used to resist landslide pressures at the subsurface level, they are not used for nor considered "erosion control". With this in mind, the City confirmed that an erosion control plan will not be available until final engineering. This prevents the public from evaluating the full environmental impacts, public safety risks, and the adequacy of proposed mitigation measures. This process contradicts CEQA's intent to disclose and mitigate environmental impacts at the earliest feasible stage.

##### Issue 3: Failure to Account for Climate Change

The Geotechnical Report fails to address the intensified rainfall projected by SANDAG,

<sup>3</sup> City of Oceanside. "Public Safety Element." *General Plan*. Available at: <https://www.ci.oceanside.ca.us/home/showpublisheddocument/3874/637952805817430000>.

<sup>4</sup> Ibid.

<sup>5</sup> Lightfoot Planning Group. "Description & Justification." *Olive Park Apartments Development*. Prepared for the City of Oceanside. November 2024. [Document p. X, PDF p. X]. Available at: <https://crw.cityofoceanside.com/etrakit3/viewAttachment.aspx?Group=PROJECT&ActivityNo=D24-00006&key=MRE%3a2411260425068756>.

<sup>6</sup> City of Oceanside. Public Safety Element.

I-18-7

I-18-8

I-18-9



Megan Ley, DEIR Comments for Olive Park Apartments

which predicts fewer but more severe rain events by 2050.<sup>7</sup> This omission is significant, as such conditions increase soil saturation, heightening landslide and erosion risks. According to the Public Safety Element, the parcel is already highly susceptible to erosion, would be further compromised under these future conditions. The DEIR does not demonstrate how erosion control measures will adequately maintain slope integrity or prevent sedimentation impacts on neighboring properties.

I-18-9 Cont.

#### Issue 4: Visibility of Waiver Impacts

The project design incorporates visible bulk and grading features, such as manufactured slopes exceeding 30 feet in height and retaining walls reaching up to 33 feet. These deviations from hillside standards risk undermining the Public Safety Element's intent to balance affordability with safety and aesthetic considerations.

I-18-10

#### Recommendations:

1. **Reevaluation of Waiver Impacts and Alternatives** The City should request additional analysis on how the waivers from Oceanside Zoning Ordinance §3039(E) will impact hillside stability and compliance with the City's Public Safety Element.
2. **Inclusion of Climate Change Impacts** The City should ensure the DEIR accounts for future rainfall scenarios based on updated hydrological and geological models. The analysis must include how increased storm intensities and soil saturation will be managed to avoid destabilizing the ancient landslide area.
3. **Completion of Erosion Control Planning Before Project Approval:** The City should require that erosion control plans be finalized and reviewed as part of the EIR certification process rather than deferred to the final engineering stage since it is a matter of public safety.
4. **Aesthetic and Safety Evaluation of Waiver-Induced Features:** The City should address visual and safety impacts of retaining walls and manufactured slopes exceeding 30 feet, ensuring compliance with hillside design intent under CEQA.

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I-18-14

**Conclusion:** The DEIR does not adequately address the long-term public safety, environmental, and aesthetic implications of waivers sought under OZO §3039(E). These omissions are critical given the existing geotechnical vulnerabilities and projected climate risks in the region. The City's approval process should ensure compliance with the Public Safety Element, require detailed plans for erosion control, and reassess project impacts under future climate conditions.

I-18-15

<sup>7</sup> San Diego Association of Governments (SANDAG). "Appendix C: Climate Change Projections, Impacts, and Adaptation." *San Diego Forward: The 2021 Regional Plan*. 2021. p. C-2; PDF p. 4.

Megan Ley, DEIR Comments for Olive Park Apartments

## 4. Noise

### 4.1. Unaccounted Variables in Noise Measurements

The Draft Environmental Impact Report (DEIR) for the Olive Park Apartments Project fails to adequately consider the influence of environmental conditions, such as wet pavement and elevated humidity, on noise measurements. This omission undermines the accuracy of the noise impact analysis and compromises compliance with the California Environmental Quality Act (CEQA) requirements for reliable baseline assessments.

The Noise Technical Report (Appendix H) documents short-term noise measurements conducted on February 21, 2024. Observations reveal that conditions on the measurement day included relative humidity at 94% and wet pavement, both resulting from earlier rainfall. These conditions deviate significantly from Oceanside's average annual humidity of 69%, which rarely exceeds 75%. Such anomalies are critical because atmospheric and surface conditions substantially influence noise propagation and measurement reliability. The California Department of Transportation (Caltrans) explicitly states in its *Technical Noise Supplement to the Traffic Noise Analysis Protocol* that "rain or snow on highway pavement can alter the levels and frequencies of tire and pavement noise, causing it to vary in unpredictable ways from levels on dry pavements, on which vehicle noise source characteristics are based. Pavement should be dry when taking measurements"<sup>8</sup>.

Wet pavement alters sound propagation through increased reflection and amplification effects, particularly on dense asphalt surfaces. This is attributable to the "air pumping" phenomenon, where water trapped in pavement voids is compressed and expelled by tire pressure, generating additional noise. The effect varies with pavement type and texture but is generally associated with higher noise levels compared to dry conditions.<sup>9</sup> Elevated humidity further reduces atmospheric sound absorption, especially at higher frequencies, allowing sound to travel farther. Studies indicate that at distances of half a mile, sound levels may increase by up to 3 decibels under high humidity conditions.<sup>10</sup> Together, these factors artificially elevate ambient noise levels, compromising the baseline used for evaluating project impacts.

The reliance on atypical conditions undermines the DEIR's ability to present an accurate and representative baseline noise environment, as required under CEQA Guidelines § 15125. Without compliance with Caltrans' directive to conduct measurements under standard, dry-weather conditions, the baseline noise analysis becomes unreliable. Consequently, this affects all subsequent modeling of construction and operational noise impacts, as well as the evaluation of mitigation effectiveness. For example, the DEIR fails to adjust predictive noise modeling to account for the exaggerated baseline, leading to potential inaccuracies in assessing compliance with noise thresholds for sensitive receptors such as schools and residential areas.

I-18-16

<sup>8</sup> California Department of Transportation. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, p. 1.

<sup>9</sup> MDPI. *Influence of Pavement Texture on Noise Propagation*.

<sup>10</sup> ACA Acoustics. *Impact of Humidity on Sound Propagation*.

Megan Ley, DEIR Comments for Olive Park Apartments

The absence of a robust analysis considering variable environmental scenarios also limits the DEIR's capacity to address long-term impacts. CEQA requires that environmental reviews include a comprehensive evaluation of significant impacts, supported by substantial evidence. The exclusion of representative baseline data and the failure to align with Caltrans' guidelines result in an analysis that does not meet these standards.

To rectify these deficiencies, the noise analysis must be revised to include measurements conducted under dry, average conditions, as stipulated by Caltrans. Additionally, predictive modeling should incorporate variable environmental scenarios, including wet pavement and elevated humidity, to capture real-world impacts. These revisions are essential to ensure CEQA compliance and protect public health and safety.

I-18-16  
Cont

#### 4.2. Insufficient Noise Analysis Due to Oversimplified Modeling of Equipment Use

The Draft EIR for the Olive Park Apartments Project fails to adequately assess noise impacts from construction activities, falling short of CEQA's requirement for a complete and transparent evaluation of environmental impacts. The methodology in Appendix H (Noise Technical Report) contains significant flaws due to its oversimplified assumptions about construction equipment.

While Appendix B (AQ/GHG/Energy Report) lists detailed construction equipment for each phase, Appendix H simplifies its analysis to focus on the "loudest" equipment per phase without considering additional equipment that may contribute to cumulative noise: "...among what may be a quantity of mobile heavy construction equipment active on site, only one of the loudest type of equipment per phase would be located at the nearest possible distance to the property line of a sensitive receptor..."<sup>1112</sup>

This methodology fails to account for real-world scenarios where multiple loud machines may operate concurrently. For example, during grading or excavation, it is common for several heavy-duty machines, such as dozers and backhoes, to be active simultaneously. This assumption minimizes the potential cumulative noise impact on sensitive receptors, including the daycare located at 4015 Olive Drive.<sup>13</sup> As a result, it gives an incomplete evaluation of noise impacts from construction activities.

Further, the report uses default duty-cycle values from the Federal Highway Administration's Roadway Construction Noise Model (RCNM): "RCNM has default duty-cycle values for the various pieces of equipment... used for this noise analysis."<sup>14</sup> However, default duty cycles may not reflect the specific operational patterns of this project, especially in a hilly area like Olive Drive where noise propagation differs from flat terrain.

I-18-17

<sup>11</sup> See "Table: Discrepancies Between Equipment Listed in Appendix B and Appendix H" in Supporting Documentation.

<sup>12</sup> Draft EIR, p. 4.11-9-11; PDF p. 351-353

<sup>13</sup> Proof of Daycare operating at 4015 Olive Drive is in "Supporting Documentation" Section.

<sup>14</sup> Draft EIR, p. 4.11-9-11; PDF p. 351-353

Megan Ley, DEIR Comments for Olive Park Apartments

Additionally, the modeling assumed no topographical shielding: "Conservatively, no topographical or structural shielding was assumed in the modeling."<sup>15</sup> I believe the absence of topographical modeling overlooks natural noise attenuation effects, which likely significantly alter the predicted impacts.

#### Recommendations

1. Update the noise modeling to reflect scenarios where multiple loud machines operate simultaneously.
2. Conduct additional modeling to assess cumulative noise impacts on sensitive receptors.
3. Replace default duty cycles with operational patterns tailored to this project to improve the accuracy of noise predictions.
4. Revise the noise propagation models to incorporate the hillside characteristics of Olive Drive. This adjustment will better reflect the true environmental setting and noise impacts.

I-18-17  
Cont.

### 4.3. Inadequate Analysis of Cumulative Construction and Traffic Noise Impacts

The DEIR inadequately addresses the significant noise impacts from construction and traffic, failing to comply with CEQA Guidelines § 15126.2. This omission raises substantial public health concerns for vulnerable populations, including children and the elderly, in surrounding neighborhoods.

The section on "Off-Site Construction Noise" fails to provide explicit dBA levels for noise propagation into adjacent neighborhoods.<sup>16</sup> Without quantified noise data, the report does not adequately assess the impacts on sensitive receptors such as the daycare at 4015 Olive Drive or the neighborhood's elderly population.<sup>17</sup>

The analysis of "Off-Site Construction Traffic Noise" appears flawed. While the DEIR claims that the noise level from 430 daily construction trips increases from 45 dBA to 54 dBA CNEL, remaining under the City's 65 dBA exterior threshold for single-family homes,<sup>18</sup> it references Table 5 instead of Table 6. Table 6 shows an 8.4 dBA increase in traffic noise on Olive Drive, a significant jump that does not consider concurrent construction noise impacts.<sup>19</sup> CEQA requires a cumulative analysis of these overlapping impacts, yet this is absent.

Studies show that even moderate noise increases of 10 dBA are associated with a **36% higher risk of mild cognitive impairment** and a **29% higher risk of Alzheimer's disease** in elderly

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I-18-19

<sup>15</sup> Draft EIR, p. 4.11-9–11; PDF p. 351-353

<sup>16</sup> Dudek. Appendix H: Noise Technical Report. May 2024. p. 25; PDF p. 36

<sup>17</sup> [ADD IN IMAGE]

<sup>18</sup> Dudek. Appendix H. p. 25; PDF p. 36

<sup>19</sup> Dudek. Appendix H. p. 29; PDF p. 41

Megan Ley, DEIR Comments for Olive Park Apartments

populations.<sup>2021</sup> Chronic noise exposure above **50–55 dBA** exacerbates these risks, particularly in urban environments.<sup>22</sup> An 8.4 dBA traffic noise increase alone is concerning, and the addition of construction noise would likely push the cumulative impact beyond 10 dBA, amplifying public health risks.

I-18-19  
Cont.

The DEIR also neglects to analyze the long-term impacts of post-construction traffic noise from **951 to 4,859 daily vehicle trips**, which will further elevate noise levels beyond the temporary construction phase.<sup>23</sup> This is a critical oversight given the documented health effects of prolonged noise exposure.

I-18-20

**Recommendations:**

1. **Quantify Construction Noise Levels:** Explicitly include dBA values for off-site construction noise in residential neighborhoods.
2. **Conduct Cumulative Noise Analysis:** Integrate construction and traffic noise impacts to determine total dBA increases during construction.
3. **Assess Public Health Impacts:** Evaluate noise-induced risks to cognitive health for vulnerable populations and include findings in the DEIR.
4. **Long-Term Noise Projections:** Analyze noise increases from anticipated post-construction vehicle trips and their effects on public health.
5. **Implement Mitigation Measures:** Propose enforceable measures, such as sound barriers, scheduling restrictions, and traffic flow management, to minimize significant noise impacts.

I-18-21

Without addressing these gaps, the DEIR fails to meet CEQA requirements and cannot adequately protect public health and safety.

#### 4.4. Baseline Construction Traffic and Noise Assessments Require Revision

The DEIR's traffic and noise analyses overestimates the baseline traffic volume, has inconsistencies in construction traffic data, and has incomplete assessments of construction noise impacts.

I-18-22

**Underestimation of Traffic Impacts**

The DEIR states that the existing (2024) baseline traffic volume on Olive Drive west of Bradley Street is 233 vehicles per day. However, real-world observations contradict this figure.

For several months, a Blink doorbell camera with high motion sensitivity recorded all activity outside of my residence, which is located at the east end of Olive Drive after Bradley. This

<sup>20</sup> Boston University School of Public Health. Neighborhood Noise May Increase Dementia Risk | SPH. Available at: <https://www.bu.edu/sph>.

<sup>21</sup> Alzheimer's Drug Discovery Foundation. Do loud noises harm the brain? | Cognitive Vitality. Available at: <https://www.alzdiscovery.org>.

<sup>22</sup> National Institutes of Health (NIH). Traffic-Related Noise Exposure and Late-life Dementia and Cognitive Impairment in Mexican-Americans - PMC. Available at: <https://www.ncbi.nlm.nih.gov/pmc>.

<sup>23</sup> Dudek. Appendix H. p. 25; PDF p. 36

Megan Ley, DEIR Comments for Olive Park Apartments

setting captured even the most minute movements such as wind-blown tree branches, rain, and flying insects, and it resulted in 100–150 motion events daily. After filtering out non-vehicle motion, actual vehicle trips were as follows:

- **Weekdays:** Typically between 30–50 vehicle trips, with most days closer to 35.
- **Sundays:** Averaged between 10–20 vehicle trips, the lowest weekly activity.

This data, recorded directly at the east end of Olive Drive where all eastbound neighbors must pass, clearly shows that the DEIR baseline traffic figure of 233 vehicles per day is significantly overstated.

Given the overstated baseline traffic undermines the validity of the DEIR's traffic impact assessment, the project's peak construction traffic of 430 PCE trips per day would represent a significant percentage increase over the actual baseline, thereby amplifying the significance of traffic impacts. The baseline traffic data must be updated using accurate real-world observations, such as those provided, and the percentage increase in traffic volume recalculated to appropriately assess construction traffic impacts.

#### Inconsistent Traffic Data in DEIR and Appendices

There are discrepancies in the reported construction traffic data between the DEIR, Appendix B (AQ/GHG/Energy Report), and Appendix H (Noise Technical Report). These inconsistencies undermine the validity of the DEIR's analysis of traffic-related impacts, including air quality, noise, and greenhouse gas emissions. For example, the reported data for the grading phase of construction is as follows:

Construction Phase (Duration)	DEIR <sup>24</sup>	Appendix B <sup>25</sup>	Appendix H <sup>26</sup>
Worker Trips	18	18	16
Vendor Trips	6	6	2
PCE Haul Truck Trips	188	188	188
Total Daily Trips	212	212	206
PCE Total Daily Trips	594	-	430

Additionally, vendor truck trips during the grading phase are doubled for PCE, increasing from 3 to 6 trips, but remain at 24 trips without adjustment during the building phase. This inconsistency requires clarification to ensure uniform methodology.

These discrepancies raise concerns about the accuracy of the DEIR's modeling and its analysis of emissions, noise levels, and other associated impacts. The DEIR must reconcile these

<sup>24</sup> Dudek. *Draft Environmental Impact Report Olive Park Apartments Project*. October 2024, p. 4.15–7–8; PDF p. 397–398.

<sup>25</sup> Dudek. *Appendix H: Noise Technical Report*. May 2024, p. 24; PDF p. 36.

<sup>26</sup> Dudek. *Appendix B: Air Quality, Greenhouse Gas Emissions, and Energy Technical Report*. May 2024, p. 24; PDF p. 36.

I-18-22  
Cont.

I-18-23

Megan Ley, DEIR Comments for Olive Park Apartments

discrepancies to ensure reliability, and any recalculated impacts should be reassessed for potential additional mitigation measures.

I-18-23 Cont.

#### Insufficient Analysis of Off-Site Construction Traffic Noise

The DEIR limits its noise analysis to the grading phase (peak phase) but does not account for cumulative noise from *all* construction phases. This omission fails to provide a comprehensive assessment of off-site construction traffic noise impacts. The City must expand the noise analysis to include *all* phases of construction with *all* equipment that is used and account for cumulative traffic noise impacts along Olive Drive.

I-18-24

#### Noise Impacts from Construction Traffic

The DEIR asserts that the construction traffic noise level (54 dBA CNEL) is below the City's 65 dBA threshold for single-family homes. However, this analysis is flawed for several reasons:

1. The Noise Technical Report provides different vehicle trip numbers from the DEIR and Appendix B (AQ/GHG/Energy Report), meaning the actual dBA level may exceed 54 dBA.
2. The DEIR fails to consider the cumulative impact of on-site construction noise propagating into the neighborhood, further increasing overall noise levels.
3. Sensitive receptors, including the daycare at 4015 Olive Drive located within 75 feet of the parcel, are not accounted for in the analysis.

I-18-25

The DEIR must update its noise analysis to address these discrepancies, include cumulative on- and off-site noise impacts, and evaluate effects on sensitive receptors near the project site. Mitigation measures should prioritize protecting public health.

I-18-26

**Conclusion:** The DEIR's traffic and noise analyses are flawed due to overstated baseline traffic, inconsistent construction data, and incomplete noise assessments. To comply with CEQA Guidelines § 15126.2 and § 15064.7, the City must address these discrepancies, provide a full analysis of construction traffic impacts for the entire project duration, and identify feasible mitigation measures to protect public safety and health while minimizing significant effects.

I-18-27

### 4.5. Use of Melrose Heights and Vista Noise Data

The Draft Environmental Impact Report (DEIR) for the Olive Park Apartments contains multiple references to Vista noise data, which appears unrelated to the actual project site in Oceanside. This reliance on incorrect data undermines the credibility of the noise impact analysis and violates CEQA requirements for site-specific evaluations. Corrections are necessary to ensure accurate environmental review.

I-18-28

#### Issue 1: Inaccurate Accessibility and Policy Consistency (Opt. DEIR, p. 319)

The DEIR erroneously claims that pedestrians and bicyclists can access the Parcel Area via roads that are over two miles away from the project site. This misrepresentation stems from reliance on unrelated project data.

Megan Ley, DEIR Comments for Olive Park Apartments

- **Evidence:** “Pedestrians and bicyclists would be able to access the Parcel Area from north side of West Bobier Drive and along Sports Park Way. The project area is served by an existing network of public transportation.” (Opt. DEIR, p. 319)
- **Issue:** West Bobier Drive and Sports Park Way are located in Vista, not Oceanside. CEQA requires the analysis to reflect the actual conditions of the project area. This inaccuracy affects the evaluation of transportation and pedestrian impacts.

**Issue 2: Erroneous Noise Boundary Analysis (Opt. DEIR, p. 351)**

The DEIR noise analysis relies on zoning thresholds and parcel boundaries that pertain to Vista, not Oceanside, demonstrating further reliance on irrelevant data.

- **Evidence:**
  - Northern Parcel Area Boundary: “60 dBA hourly Leq at the centerline of West Bobier Drive...”
  - Eastern Parcel Area Boundary: “55 dBA hourly Leq... Vista noise limits for medium density residential zoning...”
  - Southern Parcel Area Boundary: “65 dBA hourly Leq... compliance with the commercial zone limits at the southern Parcel Area property boundary...” (Opt. DEIR, p. 351)
- **Issue:** These boundaries and limits are not applicable to the Olive Park project site, which is over two miles away from Vista. CEQA mandates accurate, site-specific analysis of environmental impacts. This clerical error compromises the integrity of the noise impact evaluation.

**Issue 3: Misrepresentation of Cumulative Noise Impacts (Opt. DEIR, p. 459)**

The DEIR excludes relevant cumulative projects near the Olive Park site while relying on unrelated data from Melrose Heights.

- **Evidence:**
  - “Noise levels tend to diminish quickly with distance from a source. Therefore, the geographic scope of the analysis of cumulative impacts related to noise is limited to locations immediately surrounding and in proximity to the Parcel Area.” (Opt. DEIR, p. 459)
  - “Although construction of Melrose Heights is expected to be completed prior to the start of construction for the project... potential construction noise impacts associated with two simultaneous projects are discussed only in the worst-case analysis context.” (Opt. DEIR, p. 459)
- **Issue:** CEQA requires all cumulative impacts to be included. Excluding relevant projects such as the College Boulevard Roadway Widening Project, while relying on unrelated Melrose Heights data, results in an incomplete cumulative impact assessment.

**Conclusion:** The DEIR contains critical errors stemming from the use of Vista noise data and unrelated project information. These issues violate CEQA’s requirements for accurate, site-

I-18-28 Cont

I-18-29



Megan Ley, DEIR Comments for Olive Park Apartments

specific analysis. A revised DEIR must correct these clerical errors to ensure a credible environmental review.



I-18-29 Cont.

Megan Ley, DEIR Comments for Olive Park Apartments

## 5. Population and Housing

### 5.1. Jobs-to-Housing Imbalance

In Table 4.12-2 “Oceanside Regional Growth Forecast”, the DEIR presents data on population, housing, and jobs growth.<sup>27</sup> However, it fails to acknowledge Oceanside’s jobs-to-housing ratio, which is a critical measure of economic and housing balance. The SANDAG data they cite shows marginal job growth compared to housing growth, but the DEIR omits the current and projected ratio, which is critical for assessing the project’s impacts.

The proposed Olive Park Apartments project is inconsistent with the goals and policies outlined in the City of Oceanside’s General Plan [Housing Element](#).<sup>28</sup> Oceanside is identified as a “jobs-poor” city with a jobs-to-housing ratio of 0.71 jobs per housing unit in 2020, significantly below the countywide ratio of 1.30. SANDAG forecasts this ratio will only improve marginally to 0.76 by 2050, remaining well below the county average of 1.28. Adding 282 new housing units without proportional job creation will increase population pressures on an already limited job market, further exacerbating the imbalance.

Without sufficient local employment opportunities, new residents will likely commute to other cities for work, contradicting the city’s economic development goals, increasing traffic congestion, and contributing to higher greenhouse gas emissions.

Although the project is located near the College Boulevard Sprinter Station, transit-oriented housing does not guarantee job access. Consider the Sprinter line’s low historical ridership, limited service area, and inconvenient scheduling undermine its viability as a primary commuting option. The train primarily connects Oceanside to nearby cities like Vista and San Marcos but fails to provide efficient access to major employment hubs such as downtown San Diego. Residents who work outside the Sprinter’s reach are likely to rely on personal vehicles, undermining the environmental and land use benefits claimed by the project.

Approving this project without concurrent strategies to address job growth contradicts the Housing Element’s directive to resolve the city’s jobs-to-housing imbalance and fails to support a sustainable and equitable land use policy.

**Recommendation:** Revise the project to include a local economic impact analysis. Without addressing the broader economic and transportation challenges identified, approving the project in its current form risks exacerbating Oceanside’s existing economic imbalance and undermining the city’s sustainability and planning goals.

I-18-30

<sup>27</sup> Dudek. *Draft EIR Olive Park Apartments Project*. October 2024, Table 4.12-4; PDF p. 364.

<sup>28</sup> City of Oceanside, Adopted Draft Housing Element 2021-2029 (Adopted June 2021, Revised February 2022), Housing Needs Assessment: Employment, Page II-13.

Megan Ley, DEIR Comments for Olive Park Apartments

## 6. Transportation

### 6.1. Failure to Acknowledge Feasible Ingress/Egress Alternatives

The DEIR fails to evaluate the Avenida Del Oro/Oceanside Boulevard as an alternative ingress/egress. This alternative is described as both feasible and community-supported. This omission, combined with the traffic and safety impacts on Olive Drive, violates CEQA § 21002.1 and CEQA Guidelines § 15126.6, which mandate the identification and assessment of alternatives to avoid or reduce significant environmental effects.

#### Issue 1: Ignoring Avenida Del Oro/Oceanside Boulevard as an Alternative

Community members have advocated for the Avenida Del Oro/Oceanside Boulevard ingress/egress route since Spring 2024, yet the DEIR neglects to analyze this alternative. The developer has dismissed the option with unsubstantiated claims:

- **Railroad Shutdown:** The developer claimed that the railroad would not agree to shut down for the project to build a road. However, the nearby College Boulevard widening project will likely require a railroad shutdown, demonstrating that such coordination is possible.
- **Lengthy Approval Timeline:** In November 2024, the developer told residents that obtaining California Public Utilities Commission (CPUC) approval for a railroad crossing would take a minimum of five years. This claim is false. Antranig Garabetian, the Program Manager of CPUC's Rail Safety Division, clarified that the General Order 88-B process takes up to 45 days, and a formal application can be completed within 18 months, with concurrent CEQA review.<sup>29,30</sup>
- **Loma Alta Creek Barrier:** The developer cited the creek as a barrier, yet multiple streets in Oceanside, including College Boulevard, already cross it. Furthermore, without initiating a formal Environmental Impact Report (EIR) for this alternative, the feasibility cannot be dismissed.

Given that the developer began working on this project in 2021 and construction is not scheduled to start until 2026, sufficient time existed to pursue this alternative had the developer acted on public input. The DEIR's failure to evaluate Avenida Del Oro/Oceanside Boulevard

I-18-31

<sup>29</sup> Garabetian, Antranig G. Email Correspondence, Rail Crossings & Engineering Branch, December 23, 2024.

<sup>30</sup> Garabetian, Antranig G. Email Correspondence, Rail Crossings & Engineering Branch, August 16, 2024.

Megan Ley, DEIR Comments for Olive Park Apartments

demonstrates a disregard for community concerns as well as CEQA's requirement to explore feasible alternatives to mitigate significant environmental impacts.

I-18-31  
Cont.

## Issue 2: Traffic and Safety Impacts to Olive Drive

Routing project traffic through Olive Drive will significantly alter its current use as a low-traffic residential street, increasing daily vehicle trips from fewer than 100 to over 1,000. This substantial increase in traffic volume has the potential to create safety concerns for pedestrians, including children. Additionally, the anticipated traffic increase may affect property values on Olive Drive, with realtors estimating possible declines of approximately \$100,000 per home. These potential impacts on safety and neighborhood character are not fully addressed or mitigated in the DEIR, which does not comply with CEQA's requirement to adequately analyze and mitigate significant environmental effects.

I-18-32

## Issue 3: Long-Term Accessibility and Community Appeal

The Olive Park Apartments' success as affordable housing depends on accessible ingress/egress that supports traffic flow and maintains convenience for residents, particularly for access to shopping and jobs. Routing all traffic through Olive Drive would concentrate congestion in a residential area, creating safety concerns and diminishing the project's appeal as a community asset.<sup>31</sup> Over time, traffic challenges could reduce the project's desirability, undermining its purpose as a community asset. Incorporating Avenida Del Oro/Oceanside Boulevard into the transportation plan would enhance accessibility, align with neighborhood goals, and ensure the project remains functional and attractive to residents.

I-18-33

**Conclusion:** The DEIR's failure to analyze the Avenida Del Oro/Oceanside Boulevard alternative is a critical oversight. This route is viable based on established CPUC processes and regulatory guidance. Addressing this deficiency is essential to mitigate the traffic and safety impacts on Olive Drive and comply with CEQA. To address these deficiencies, the following steps are necessary:

I-18-34

1. **Analyze Avenida Del Oro/Oceanside Boulevard Alternative:** Conduct a formal assessment of this route with input from CPUC and other relevant agencies to ensure the project aligns with long-term community goals, supports access to shopping and jobs, and addresses traffic concerns effectively.
2. **Mitigate Olive Drive Impacts:** Develop and implement measures to address increased traffic, pedestrian safety, and property value concerns, ensuring the project's functionality and appeal as an affordable housing asset.

I-18-35

<sup>31</sup> Avenida Del Oro/Oceanside Boulevard offers a superior alternative with infrastructure better suited for higher traffic volumes. This route improves access to jobs and shopping while mitigating safety risks by diverting traffic away from residential neighborhoods.

Megan Ley, DEIR Comments for Olive Park Apartments

By addressing these deficiencies, the DEIR can meet CEQA's requirements for comprehensive analysis and responsible planning, ensuring the Olive Park Apartments project benefits both current and future residents.

I-18-35  
Cont.

## 6.2. Missing Bicycle Infrastructure on Olive Drive Undermines Safety Goals

The DEIR fails to adequately analyze the lack of bicycle infrastructure on Olive Drive, creating conflicts with the City of Oceanside's General Plan Circulation Element and Bicycle Master Plan. This omission undermines safety, connectivity, and the project's stated goals for promoting multimodal transportation.

I-18-36

**Issue 1: Conflict with Policy Goals:** The Bicycle Master Plan emphasizes the importance of creating a cohesive and continuous bikeway system to ensure usability, safety, and accessibility for all users. The plan explicitly states that "piecemeal and incomplete systems are viewed as too inefficient and unsafe by potential users" and prioritizes connectivity.<sup>32</sup> The DEIR's failure to propose a Class II bikeway on Olive Drive leaves a critical gap in the bicycle network.

**Issue 2: Safety Risks from Increased Vehicle Trips:** The project is anticipated to generate between 951 and 4,859 daily vehicle trips. Without dedicated bicycle infrastructure, cyclists would be forced to share the roadway with a higher volume of vehicle traffic, which significantly heightens the likelihood of collisions. This outcome directly conflicts with the Circulation Element's goal to "provide an integrated bicycle circulation system promoting safety and mobility."<sup>33</sup>

I-18-37

**Issue 3: Encouragement of Vehicle Ownership and Overflow Parking:** Multifamily housing units generally reduce vehicle ownership due to parking limitations. However, unrestricted street parking on Olive Drive removes this disincentive, encouraging higher car ownership and reliance on personal vehicles rather than multimodal transit. Using regional averages, the project could generate between 38 and 298 overflow vehicles seeking parking on Olive Drive, Bradley Street, and Crystal Street. This influx would discourage cycling by obstructing potential bike routes and reinforcing vehicle dependency, contrary to the project's stated goals.<sup>34</sup>

I-18-38

**Impact 1: Public Safety: Cyclist Safety Risks:** The absence of continuous bicycle infrastructure on Olive Drive poses a direct risk to public safety, particularly for cyclists. Without

<sup>32</sup> KTU+A. City of Oceanside Bicycle Master Plan. December 2008. p. ES-3–ES-4; PDF p. 11-12.

<sup>33</sup> City of Oceanside. *Oceanside General Plan Circulation Element*. September 2012. p. 3-10; PDF p. 67.

<sup>34</sup> See *Table: Olive Park Metrics Based on Available Data* in the Supporting Documentation section of these DEIR comments.

Megan Ley, DEIR Comments for Olive Park Apartments

dedicated bike lanes or Class II bikeways, cyclists are forced to share the road with increased vehicle traffic generated by the project. This lack of separation between vehicles and bicycles creates a high likelihood of vehicle-bicycle collisions, particularly along a Secondary Collector street like Olive Drive, where traffic volumes are already elevated. Public safety is a cornerstone of CEQA analysis, and this oversight constitutes a significant impact that must be mitigated.

I-18-38  
Cont.

**Impact 2: Neighborhood Impacts:** Overflow parking would significantly alter the character of the existing neighborhood, causing permanent and adverse effects on local residents. Currently, street parking on Olive Drive is underutilized, and an influx of up to 298 vehicles would disrupt its functionality as a multimodal corridor, further jeopardizing cyclist safety. This would degrade Olive Drive's functionality as a multimodal corridor and introduce long-term safety and access challenges for cyclists and pedestrians alike.

I-18-39

**Impact 3: Environmental Significance:** The lack of bicycle infrastructure on Olive Drive discourages safe and convenient bicycling, while the availability of underutilized street parking creates an incentive for residents to retain and rely on personal vehicles. This combination undermines the project's potential to reduce vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions. Without continuous bicycle lanes to promote multimodal transit and reduce car dependency, the project conflicts with CEQA's requirement to mitigate impacts on sustainable transportation and climate goals.

I-18-40

By failing to address the lack of bicycle infrastructure on Olive Drive, the DEIR conflicts with the City's Bicycle Master Plan and CEQA's sustainable transportation requirements. To resolve these deficiencies, the DEIR should propose a Class II bikeway with sharrows and signage for safe connectivity to College Boulevard and implement preferential parking programs under California Vehicle Code §22507 to manage overflow parking. These cost-effective measures align with policy goals and are critical to ensuring the project meets its safety and environmental objectives.

I-18-41

Megan Ley, DEIR Comments for Olive Park Apartments

## 7. Misc. Comments

### 7.1. Reevaluation of “Urban” Designation

The DEIR repeatedly describes the Parcel Area as “urban” or “urbanized.” For example:

- “The Parcel Area is in an urban and developed area of the City”.<sup>35</sup>
- “The Parcel Area consists of 43.50 acres of primarily undeveloped, vacant land in the urbanized area of Oceanside”.<sup>36</sup>
- “The project and cumulative projects are located within an urbanized and developed area of the City”.<sup>37</sup>

It appears the “urban” characterization of the Parcel Area and its surrounding areas may have been sourced from the California Department of Conservation’s Farmland Mapping and Monitoring Program, which according to the DEIR, designates the Parcel Area as “Urban and Built-up Land and Non-Agricultural or Natural Vegetation”.<sup>38</sup> However, the California Important Farmland Finder classifies the Parcel as “Other Land,” which is described as follows:

“Land not included in any other mapping category. Common examples include low-density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.”

I-18-42

Please note the DOC’s mention of “urban development” refers to the type of projects surrounding the parcel rather than inherently classifying the Parcel and its surrounding areas as a “densely populated urban area.” This distinction calls into question the DEIR’s reliance on this designation to justify labeling the Parcel Area as “urban.”

This mischaracterization is further evident given that the City of Oceanside is more accurately described as a suburban-coastal city with urbanized pockets. In fact, the Oceanside Chamber of Commerce reflects this distinction by noting, “Oceanside has been tagged by a recent national survey as the best little suburb with an urban feel in San Diego County,” emphasizing that the City’s overall identity remains suburban.<sup>39</sup>

<sup>35</sup> Dudek. Draft Environmental Impact Report: Olive Park Apartments. October 2024, p. 4.18-12; PDF p. 440. Available at: <https://www.ci.oceanside.ca.us/government/development-services/planning/ceqa/olive-park-apartments>.

<sup>36</sup> Ibid., p. 5-1; PDF p. 447.

<sup>37</sup> Ibid., p. 6-7; PDF p. 457.

<sup>38</sup> Ibid., p. 5-1; PDF p. 447.

<sup>39</sup> Oceanside Chamber of Commerce. Oceanside Stands Out as Suburb with Urban Feel. Available at: <https://www.oceansidechamber.com/member-news/oceanside-stands-out-as-suburb-with-urban-feel>.

Megan Ley, DEIR Comments for Olive Park Apartments

That said, the Parcel is currently undeveloped natural land, featuring significant open space and vegetation, including Diegan coastal sage scrub and southern mixed chaparral. Environmental studies indicate portions of the site support sensitive habitats and jurisdictional features. While near suburban developments, the Parcel itself presently lacks the built environment typical of urban classifications.

Given these considerations, describing the Parcel Area as "urban" is inaccurate and risks skewing environmental impact analyses under CEQA. CEQA requires existing physical conditions to serve as the baseline for evaluating the project's impacts. Mischaracterizing the Parcel as "urban" could lead to underestimating potential impacts.

**Recommendations:**

1. Clarify the basis for describing the Parcel Area as "urban" by providing clear citations and explanations for the sources used.
2. Revise the characterization of the Parcel Area to align with the California Important Farmland Finder's classification as "Other Land" and acknowledge its vacant and undeveloped state.
3. Ensure that references to the environmental setting reflect Oceanside's identity as a suburban city.
4. Reassess environmental impact analyses to ensure suburban-specific data and methods were used instead of "urban," particularly regarding noise, traffic, and other environmental impacts related to public health and safety.

I-18-42  
Cont.



Megan Ley, DEIR Comments for Olive Park Apartments

## 8. Supporting Documentation

### 8.1. Table: Olive Park Metrics Based on Available Data

Label	Reduced Density	Option A	Option B	Numbers from
Units	199	260	282	Draft EIR
People	557	728	790	Draft EIR
Children	155	203	220	Draft EIR
Adults	402	525	570	Calculated Draft EIR only
People per unit	2.79	3.03	2.80	Calculated Draft EIR only
Vehicle trips per person	1.70	N/A	1.74	Calculated Draft EIR only
Vehicle trips	951	None Given	1,378	Draft EIR
Total trips per person per day (BTS: Suburban = 6.15)	3,425.55	4,477.20	4,858.50	Calculated Draft EIR + BTS
Parking spaces	360	346	346	Draft EIR
Using CA Average (1.13 vehicles/adult)	454	593	644	Calculated Draft EIR + BTS
Surplus vehicles (using CA Average)	94	247	298	Calculated Draft EIR + BTS
Using SD-Carlsbad Avg (2 vehicles/household)	398	520	564	Calculated Draft EIR + DataUSA
Surplus vehicles (using SD-Carlsbad Avg)	38	174	218	Calculated Draft EIR + DataUSA

I-18-43

Megan Ley, DEIR Comments for Olive Park Apartments

### How I Got the Numbers for “Olive Park Metrics Based on Available Data” Table

1. **People, Children, Adults:** Pulled “People” and “Children” from the draft EIR’s population estimates for each scenario. Total People – Children = Adults.
2. **Vehicle Estimates**
  - **1.13 vehicles per licensed driver (CA Average):** I started with the adult count, assumed most adults have licenses, then multiplied by 1.13.
  - **2 vehicles per household (SD-Carlsbad Average):** I took the total units and multiplied by 2.
3. **Overflow Cars:** Subtract “Parking spaces” from the estimated vehicles. Anything left over is “Surplus vehicles.”
4. **Daily Trips:** Based on BTS data for **Suburban** (6.15 trips/person/day). Multiply each population by those trip rates to see how many total daily trips might occur.

### Citations

- BTS State Transportation Statistics. Available at: <https://www.bts.gov/browse-statistical-products-and-data/state-transportation-statistics/state-highway-travel>
- Data USA. Available at: <https://datausa.io/profile/geo/oceanside-ca/>

I-18-43  
Cont.

Megan Ley, DEIR Comments for Olive Park Apartments

**Alternative Population Estimates (2020 Census)**

Using **66.8%** as the proportion of households that are family households in Oceanside (based on 2020 Census data)<sup>40,41</sup>, we can estimate a different total population for each scenario:

<b>Reduced Density (199 Units)</b>	<b>Option A (260 Units)</b>	<b>Option B (282 Units)</b>
<b>1. Family Households:</b> <ul style="list-style-type: none"><li>199 × 66.8% ≈ 133 units</li><li>133 × 3.15 people/family ≈ 419.95 people</li></ul> <b>2. Non-Family Households:</b> <ul style="list-style-type: none"><li>199 – 133 = 66 units</li><li>66 × 2.65 people/household ≈ 174.90 people</li></ul> <b>3. Total People:</b> ~419.95 + 174.90 = <b>594.85</b>	<b>1. Family Households:</b> <ul style="list-style-type: none"><li>260 × 66.8% ≈ 174 units</li><li>174 × 3.15 = 548.10 people</li></ul> <b>2. Non-Family Households:</b> <ul style="list-style-type: none"><li>260 – 174 = 86 units</li><li>86 × 2.65 = 227.90 people</li></ul> <b>3. Total People:</b> ~548.10 + 227.90 = <b>776.00</b>	<b>1. Family Households:</b> <ul style="list-style-type: none"><li>282 × 66.8% ≈ 188 units</li><li>188 × 3.15 = 592.20 people</li></ul> <b>2. Non-Family Households:</b> <ul style="list-style-type: none"><li>282 – 188 = 94 units</li><li>94 × 2.65 = 249.10 people</li></ul> <b>3. Total People:</b> ~592.20 + 249.10 = <b>841.30</b>

These alternative numbers could hint at slightly different traffic and parking needs.

I-18-43  
Cont.

<sup>40</sup> **U.S. Census Bureau.** *Households and Families*. American Community Survey, ACS 1-Year Estimates Subject Tables, Table S1101, 2023. Accessed on December 23, 2024. Available at: [https://data.census.gov/table/ACSST1Y2023.S1101?t=Families%20and%20Household%20Characteristics:Families%20and%20Living%20Arrangements&q=160XX00US0653322\\_860XX00US92056](https://data.census.gov/table/ACSST1Y2023.S1101?t=Families%20and%20Household%20Characteristics:Families%20and%20Living%20Arrangements&q=160XX00US0653322_860XX00US92056)

<sup>41</sup> (42,559 Total families + 63,683 Total households) × 100 ≈ 66.8% of families.

Megan Ley, DEIR Comments for Olive Park Apartments

Vehicle Ownership Data (U.S. Census Bureau)

The following breakdown (from ACS 5-Year Estimates, Table S0802) shows how many vehicles Oceanside households reported owning, plus margins of error. This data suggests a wide range, but **two-vehicle** households remain the most common, while a **substantial** portion own three or more.

	No Vehicle	1 Vehicle	2 Vehicles	3+ Vehicles
Percentage Range	0.7%–10.5%	11.3%–21.5%	35.4%–45.6%	33.5%–49.3%
Description	A small slice	Moderate share	Largest group	Substantial chunk

(Margins of error differ across these categories; see source link for details.)

This underscores a pattern: most households in Oceanside own **at least** two cars, and many have three or more. Factor that into any assumption about total vehicles on-site.

Citations & Links

- **BTS State Transportation Statistics.** Available at: <https://www.bts.gov/browse-statistical-products-and-data/state-transportation-statistics/state-highway-travel>
- **DataUSA: Oceanside, CA (San Diego-Carlsbad Area).** Available at: <https://datausa.io/profile/geo/oceanside-ca/>
- **U.S. Census Bureau. Households and Families.** American Community Survey, ACS 1-Year Estimates Subject Tables, Table S1101, 2023. Accessed on December 23, 2024. Available at: [https://data.census.gov/table/ACSST1Y2023.S1101?t=Families%20and%20Household%20Characteristics:Families%20and%20Living%20Arrangements&g=160XX00US0653322\\_860XX00US92056](https://data.census.gov/table/ACSST1Y2023.S1101?t=Families%20and%20Household%20Characteristics:Families%20and%20Living%20Arrangements&g=160XX00US0653322_860XX00US92056)
- **American Community Survey, ACS 5-Year Estimates. Means of Transportation to Work by Selected Characteristics.** U.S. Census Bureau, U.S. Department of Commerce, 2023. Available at: [https://data.census.gov/table/ACSST5Y2023.S0802?g=160XX00US0653322\\_860XX00US92056](https://data.census.gov/table/ACSST5Y2023.S0802?g=160XX00US0653322_860XX00US92056)

I-18-43  
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Megan Ley, DEIR Comments for Olive Park Apartments

- Dudek. *Draft Environmental Impact Report for Olive Park Apartments Project*. October 2024. Available at: <https://www.ci.oceanside.ca.us/gov/dev/planning/ceqa/default.asp>

Megan Ley, DEIR Comments for Olive Park Apartments


I-18-43 Cont.

## 8.2. Table: Discrepancies Between Equipment Listed in Appendix B and Appendix H

Construction Phase	Equipment listed in Appendix B (AQ/GHG/Energy Report) that is <u>unaccounted</u> for in the Appendix H (Noise Technical Report)	Other notes
Phase 1: Site Prep	3 Rubber Tired Dozers	Geotechnical Report states shear pins will need to be installed before grading. Equipment for shear pin installation is not included in Site Prep, but appears to be included in Grading.
Phase 1: Grading	2 Excavators, 1 Rubber Tired Dozers, 2 Tractors/Loaders/ Backhoes, 1 Bore/Drill Rigs, 1 Scrapers	-
Phase 1: Building Construction	1 Cranes, 1 Generator Sets, 1 Tractors/Loaders/Backhoes*, 1 Welders	*NOTE Appendix H lists 1 Tractor and 1 Backhoe, but Appendix B has quality set to 3, meaning 1 is unaccounted for.
Phase 1: Paving (West)	2 Pavers, 2 Paving Equipment, 2 Rollers	Appendix H lists 1 "All Other Equip > 5 HP" as the equipment for this phase, because it is unclear what that specifically is, I set all equipment from Appendix B as unaccounted for.
Phase 2: Paving (East)	2 Pavers, 2 Paving Equipment, 2 Rollers	Appendix H lists 1 "All Other Equip > 5 HP" as the equipment for this phase, because it is unclear what that specifically is, I set all equipment from Appendix B as unaccounted for.
Off-site: Linear, Grubbing, and Land Clearing	1 Crawler Tractors, 1 Excavators	-
Off-site: Linear, Grading, and Excavation	1 Crawler Tractors, 1 Excavators, 1 Graders, 1 Rollers, 1 Rubber Tired Dozers, 1 Scrapers, 1 Tractors/Loaders/Backhoes	-
Off-site: Linear, Drainage, Utilities and Sub-Grade	1 Air Compressors, 1 Generator Sets, 1 Graders, 1 Plate Compactors, 1 Pumps, 1 Rough Terrain Forklifts, 1 Scrapers, 1 Tractors/Loaders/Backhoes	-
Off-site: Linear, paving	1 Pavers, 1 Paving Equipment, 1 Rollers, 1 Tractors/Loaders/Backhoes	-
Phase 2: Grading	2 Excavators, 1 Graders, 1 Rubber Tired Dozers, 1 Scrapers, 2 Tractors/Loaders/Backhoes	-
Phase 2: Building Construction	1 Cranes, 1 Generator Sets, 1 Tractors/Loaders/Backhoes*, 1 Welder	*NOTE Appendix H lists 1 Tractor and 1 Backhoe, but Appendix B has quality set to 3, meaning 1 is unaccounted for.

Megan Ley, DEIR Comments for Olive Park Apartments

### 8.3. Proof of Daycare Operating out of 4015 Olive Drive



**State of California**  
**Department of Social Services**

Facility Number: 376622615  
Effective Date: 12/14/2011      Total Capacity: 8

In accordance with applicable provisions of the Health and Safety Code of California, and its rules and regulations; the Department of Social Services hereby issues

**this License to**  
GLADNEY, LYDIA  
to operate and maintain a  
FAMILY DAY CARE HOME

**Name of Facility**  
GLADNEY, LYDIA FAMILY CHILD CARE  
4015 OLIVE DRIVE  
OCEANSIDE, CA 92056

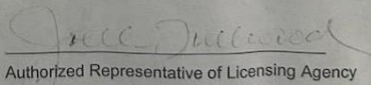
This License is not transferable and is granted solely upon the following:

MAX. CAP: 6 - NO MORE THAN 3 INFANTS OR 4 INFANTS ONLY. CAP 8 - NO MORE THAN 2 INFANTS, 1 CHILD IN KINDERGARTEN OR ELEMENTARY SCHOOL AND 1 CHILD AT LEAST AGE 6.

Client Groups Served:  
CHILDREN / INFANT

Complaints regarding services provided in this facility should be directed to:  
CCLD Regional Office      (619) 767-2200

Jeffrey Hiratsuka  
Deputy Director,  
Community Care Licensing Division

  
Authorized Representative of Licensing Agency

**POST IN A PROMINENT PLACE**

LIC203A (03/07) FAS  
Print Date 12/19/2011

CU-TAO18b

I-18-43 Cont.

Megan Ley, DEIR Comments for Olive Park Apartments

## 8.4. Email Correspondence: CPUC Formal Application Requirements for Rail Crossing Approval



Meg Ley <[REDACTED]@gmail.com>

### Clarification on Approval Process Timelines

**Garabetian, Antranig G.** <antranig.garabetian@cpuc.ca.gov>  
 To: Meg Ley <[REDACTED]@gmail.com>  
 Cc: "Prosper, Terrie D." <terrie.prosper@cpuc.ca.gov>

Mon, Dec 23, 2024 at 4:31 PM

Dear Meg Ley,

My sincere apologies for the late response.

General Order 88-B (GO 88-B) rail crossing alteration authorization process takes maximum 45 days.

Formal Application Process (Ratesetting) for rail crossings takes up to 18 months. Environmental Review Process (CEQA) and the Environmental Impact Report (EIR) happen concurrently with the formal application review and are included in the Formal Application process. Formal Application Process must be concluded within 18 months. There have been rail crossing cases that concluded in less than 18-month time frame.

CPUC rail crossing staff is unaware of any case that the rail crossing formal application approval process has been extend to five years.

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Cont.



Megan Ley, DEIR Comments for Olive Park Apartments

## 8.5. Email Correspondence: CPUC Clarification on Railroad Crossing Regulations



Meg Ley <[REDACTED]@gmail.com>

### Inquiry Regarding Railroad Crossing Regulations

2 messages

Meg Ley <[REDACTED]@gmail.com>  
To: public.advisor@cpuc.ca.gov

Mon, Aug 12, 2024 at 3:34 PM

Dear Public Advisor,

I hope this message finds you well.

I am reaching out to inquire about specific regulations related to the Escondido Subdivision track operated by the North County Transit District (NCTD) in North County San Diego, particularly within Oceanside, CA.

Could you please provide information on whether there are any laws that specify the required distance between railroad crossings, or the minimum distance between streets and railroad platforms? If such laws exist, I would greatly appreciate it if you could provide details on the required distances.

If this is not the correct office to contact regarding this matter, could you please direct me to the appropriate office or provide an email address for the correct contact?

Thank you for your time and assistance. I look forward to your response.

Best regards,

Meg Ley

Garabetian, Antranig G. <antranig.garabetian@cpuc.ca.gov>  
To: [REDACTED]@gmail.com <[REDACTED]@gmail.com>

Fri, Aug 16, 2024 at 4:54 PM

Dear Meg Ley:

There are no California Public Utilities Commission minimum distance regulations between railroad crossings, or minimum distance between streets and railroad platforms.

Regards,



Anton Garabetian, P.E.  
Program Manager

Rail Safety Division - Rail Crossings & Engineering Branch

California Public Utilities Commission

320 West 4<sup>th</sup> Street Suite 500

I-18-43  
Cont.

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## Response to Comment Letter I-18

Megan Ley  
December 24, 2024

- I-18-1** The comment provides a table of contents to the comments that follow. The comment does not raise any specific CEQA issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-18-2** The comment questions the methodology used to evaluate fugitive dust impacts arguing the Draft EIR should have included dispersion modeling. The comment also argues the Draft EIR does not include enforceable mitigation measures to address localized impacts.

Fugitive dust impacts were evaluated in the EIR consistent with standard regulatory guidance and the protocols used by the City for CEQA analysis. Fugitive dust refers to particulate matter (particulate matter) with a diameter of 10 micrometers or less (PM<sub>10</sub>) (EPA 1995). As disclosed in Appendix B to the Draft EIR, and other supporting expert analysis (Countess 2006, EPA 1995) fugitive dust is considered to have a potential for primarily localized impacts because it tends to settle close to its source due to its relatively large particle size and weight. This means that the dust doesn't travel far from where it is generated, potentially affecting only the immediate vicinity.

In adopting its 2009 Fugitive Dust Control Rule, Rule 55, the San Diego Air Pollution Control District (SDAPCD) specifically addressed potential air pollution impacts related to dust released from the soil during construction and demolition activity (SDPACD 2009). Rule 55 was adopted to provide an efficient method to address complaints of fugitive dust emanating from construction sites. Rule 55 prohibits the generation of visible emissions of fugitive dust beyond the property line of the construction project for a period or periods aggregating more than 3 minutes in any 60-minute period. Thus, as a matter of law, the project is prohibited from generating the type of impacts speculated about in the comment.

The proposed project has incorporated the construction practices recommended by the air quality experts at Dudek and used by other projects in the City in the form of Project Design Feature (PDF) AQ-1. Water application will reduce fugitive dust emissions by up to 61%; implementing a speed limit of 15 miles per hour reduces fugitive dust emissions from vehicles by up to 57%; maintaining soil moisture can reduce fugitive dust emissions from scraping and loading by up to 69% (Countess Environmental 2006 Table 3-7). In addition, the PDF-AQ-1 would restrict grading when wind speeds exceed 25 miles per hour, which further serves to minimize the amount of fugitive dust that can become airborne.

As discussed in the EIR, in addition to being a part of the project as proposed for approval by the City, the project conditions of approval will require that the project comply with the measures identified in PDF-AQ-1. Therefore, they are legally enforceable and proper to include the CEQA analysis. The measures included in PDF-AQ-1 serve to reduce the amount of fugitive dust that becomes airborne and as noted above, the portions of fugitive dust that do become airborne settle close to the source, thus reducing impacts to offsite residences.

Finally, the SDAPCD established threshold of 100 pounds per day of PM<sub>10</sub> as a screening threshold for when further analysis, such as dispersion modeling identified in the comment, is required to evaluate ambient air quality impacts. As the Final EIR demonstrates, the proposed Project's PM<sub>10</sub>

emissions were substantially below the 100-pound threshold, with a maximum of 9.75 pounds per day. As such, the comment's request for use of dispersion modeling for the type of real estate development project at issue here is without merit under the law and in practice. (See, e.g. SDAPCD Rule 20.2)

**I-18-3** The comment argues that the project should have made more efforts to avoid impacts to coastal sage scrub (CSS) and ashy spike moss in the On-Site Impact Area. As the comment acknowledges, the applicant designed the proposed project impact area to avoid existing habitat and riparian areas to the greatest extent possible given the numerous constraints that exist for development of the Parcel Area as described in the Final EIR and project materials. With respect to CSS, as contemplated by the draft Subarea Plan, the project will enhance and preserve in excess of 75% of the project site's CSS. Mitigation is imposed for all proposed project impacts to CSS and the Final EIR demonstrates that, with that mitigation, the project will have less than significant impacts relative to CSS. Further, as part of the regulatory approval process, the project applicant has been and will continue to be in communication with applicable agencies such as USFWS, and CDFW, regarding the approvals related to CSS required from those agencies.

As discussed in FEIR section 4.3, Plant species with a CRPR of 4, which include the ashy spike-moss referenced in the comment, are considered limited distribution or watchlist species (CNPS 2024). As the comment notes, and as the Final EIR discloses, a small amount of ashy spike-moss overlaps the southern boundary of the On-Site Impact Area and may be impacted by the proposed project.

The California Native Plant Society specifies that plants with a CRPR of 4 are species that warrant population monitoring in general, but currently seem to have a low level of vulnerability to threat of extinction statewide (CNPS 2020). Furthermore, CRPR 4 species "generally do not currently appear to meet the criteria for listing as threatened or endangered", and thus typically are not required to have impacts assessed according to CEQA guidelines (CNPS 2020). Certain CRPR 4 species under specific population and geographic range-related circumstances may meet CEQA Section 15380 definitions which would qualify the species for impact assessment, including if the species is included in sensitive species lists maintained by the U.S. Bureau of Land Management, USFWS, or U.S. Forest Service (CNPS 2020). Ashy spike-moss is not included on U.S. Bureau of Land Management, USFWS, or U.S. Forest Service sensitive plant species lists (BLM 2024; USFS 2024; USFWS 2024c). Thus, ashy spike moss is not a plant species that qualifies as a sensitive plant species under the CEQA thresholds of significance. Thus, the Final EIR's analysis demonstrates that the project impacts to ashy spike moss are less than significant.

**I-18-4** The comment offers an opinion that the proposed mitigation for habitat loss is inadequate, and that the DEIR does not include a clear or binding plan for restoration. That opinion is not supported by the relevant facts and the law. The portion of the Parcel Area that the mitigation measures require to be preserved as open space in perpetuity do not currently benefit from that level of protection. As the existing conditions described in the Final EIR demonstrate, without the protection of a conservation easement, those portions of the Parcel Area have been disturbed by human activities. Per MM-BIO-1, the mitigation requires restoration and enhancement occur within the open space easement, management of the area by a qualified expert to protect the habitat value of the existing and restored sensitive habitats, an endowment to fund the long-term maintenance and management and various other requirements that satisfy CEQA requirements for adequate mitigation for the project impacts. Additionally, as part of the regulatory approval process, the project applicant has been and will continue to be in communication with applicable agencies such as the City, USFWS, and CDFW to assure that the restoration and conservation meet all regulatory standards.

**I-18-5** The comment relies on misstatements regarding the mitigation imposed by the Final EIR to support an opinion that the project will have edge effects greater than disclosed. The comment specifically mentions the measures regarding the “Resident Education Program,” fencing adjacent to the conservation area and noise/light. The establishment of a “Resident Education Program” is required per MM-BIO-7. The applicant must provide draft and final versions of this program to the City for approval. Among other requirements, the measure requires development of educational materials about the sensitive habitat/species, steps residents should take to avoid impacts and informative signage on the fencing between the development and the conservation easement. The measure also requires the applicant to distribute the educational pamphlets to all residences. This mitigation measure has been included as part of the project to mitigate significant impacts and will be included in the MMRP and compliance is also required by the conditions of approval. Pursuant to Section 21081.6 of the Public Resources Code, the MMRP is designed to ensure that, during project implementation, the City and other responsible parties will comply with the mitigation measures. The City binds itself to cause the various feasible mitigation measures and project design features described in the MMRP to be implemented in accordance with the Final EIR and MMRP. Thus, the comment is incorrect that that the Resident Education Program measures identified in the MMRP is voluntary and does not qualify as a binding set of obligations that are part of the rationale for the less than significance threshold.

The comment also erroneously asserts that the Draft EIR describes the fencing between the conservation easement area and the residential development as “cat proof”. As stated in MM-BIO-2, that fencing shall have no gates except to allow access for maintenance and monitoring of the conservation easement. That measure also requires a fence designed to prevent intrusion by pets, especially domestic cats. Further, as described in MM-BIO-7, the resident education program would include an explanation about the importance of keeping cats indoors including the potential impacts from free-roaming pets (particularly cats) on native wildlife populations. The comment is also mistaken that the project proposes “a traditional iron fence with a steep 30-foot drop” as protection for the conservation easement area. No improvements of that nature are proposed in the area between the conservation easement area and the portion of the Parcel Area where the project will be developed.

Regarding the allegations about light and noise penetrating the conservation area, the comment fails to recognize that potential project impacts from lighting and noise are analyzed in the DEIR. As included in Section 4.3, per PDF-BIO-1 and compliance with applicable laws including City Municipal Code Article 39, project outdoor lighting must be directed downward and away from the open space easement where wildlife occurs in more abundance. The PDF is also included as a binding obligation through incorporation into the MMRP and per the project conditions of approval. Consistent with that PDF, the buildings and parking areas would include lighting designed to minimize light pollution and preserve dark skies. The comment also ignores the fact that Final EIR Section 4.11 and the supporting technical reports include an analysis of the project construction and operations on off-site sensitive receptors, including special status wildlife species. That analysis demonstrates that the project will not generate noise at levels in excess of the applicable significance thresholds. Thus, the record supports the Final EIR’s determination that indirect impacts due to noise and lighting would be less than significant.

**I-18-6** The comment summarizes the arguments made in Comments I-18-4 through I-18-6. Please see the responses to those comments. No further response to this comment is required.

**I-18-7** The comment correctly restates some limited information from the DEIR regarding the project's request for density bonus waivers/incentives from the Oceanside Zoning Ordinance Section 3039(E) for hillside development standards and grading limitations. The comment erroneously implies that the project as proposed is inconsistent with the General Plan's Public safety guidelines regarding slope instability and erosion. Ignoring the Final EIR analysis and the project specific Geotechnical Report, the comment argues that the DEIR fails to assess how the requested waivers might worsen long-term risks under unspecified and speculative, future climate conditions. Final EIR Section 4.6, the Geotechnical Report and Response to Comment I-1-9 demonstrate that the opinions offered in the comment are without merit. Regarding the density bonus waiver/incentive to increase the amount of grading per acre, the comment incorrectly states that the project would exceed the allowable 7,500 cubic yards per acre by 19 times. As stated in Chapter 3, Project Description, Table 3-2, the average grading would be 13,502 cubic yards per acre, which is approximately 1.8 times the amount. However, the record reflects that based on the Geotechnical Report and the CBC's specific performance standards and Chapter 2 of the City of Oceanside's Engineers Design and Processing Manual), the project slopes must be analyzed and constructed such that they possess a factor of safety of at least 1.5 surficial slope stability, where the upper 5 feet of soil becomes saturated, in accordance with normal design procedures and City requirements. The analysis demonstrates that, with the amount of project grading identified in the DEIR, the proposed project slopes will comply with the applicable standards by possessing a factor of safety of at least 1.5 after the grading operations and implementation of the measures identified in the Geotechnical Report. The comment also ignores the analysis in Final EIR Table 4.10-1 that addresses the project's consistency with applicable General Plan Public Safety objections. In sum, the comment offers unfounded opinions, arguments and speculation that do not support the author's position that the Draft EIR failed to analyze and address the slope stability of the project.

**I-18-8** The comment opines that the shear pins and buttresses are not used or considered for "erosion control" and argues a final erosion control plan is required now to assess public safety risks and the adequacy of mitigation measures.

The comment ignores the analysis and requirements regarding erosion control identified in the Final EIR and project record. As stated in Section 4.6, Geology and Soils, the potential for significant soil erosion or loss of topsoil is analyzed and was determined to be less than significant. Specifically, and by way of example, a threshold of significance addresses the potential of the project to "[d]irectly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death" due to substantial soil erosion or the loss of topsoil. The Final EIR demonstrates that the potential for significant impacts would be addressed through compliance with the City's General Plan Grading and Excavations Objective and Policy 3.14A, that requires measures during grading to reduce erosion using measures such as minimizing exposed soils, silt fencing, soil binders, street sweeping, hydroseeding soils, and using sandbags, check dams, or berms during rain events to direct flows. Additionally, all recommendations outlined in the Geotechnical Report (Appendix E1), including those related to grading activities, must be implemented, per PDF-GEO-1. With respect to erosion, the recommended measures include landscaping the slopes with drought-tolerant vegetation having variable root depths and requiring minimal landscape irrigation. In addition, the Geotechnical Report, along with applicable laws, require the grading plans to design all slopes to properly drain which City staff will confirm as part of the construction permitting approvals. Potential erosion impacts would also be avoided by adherence to the erosion control standards established by the City's Grading Ordinance Section 1501(d) and through implementation of best management practices required by law to be incorporated in the

project's stormwater pollution prevention plan. Furthermore, the proposed project would incorporate landscaping throughout the On-Site Impact Area and along the boundaries of the On-Site Impact Area. Therefore, Contrary to the opinions in the comment, impacts of potential erosion have been analyzed in the Final EIR, and no additional measures need to be implemented.

- I-18-9** The comment opines that the DEIR fails to address intensified rainfall projected by SANDAG that could result in soil saturation and heightening landslide and erosion risks. The comment opines that the DEIR does not demonstrate how erosion control measures will maintain slope integrity or prevent sedimentation impacts on neighboring properties. Please see Response to Comment I-18-7 and I-18-8 for an explanation of why the comment is without merit. As it relates to erosion control impacts, potential variations in weather, the project design satisfies the factor of safety standard of 1.5 for surficial slope stability, where the upper 5 feet of soil become saturated, in accordance with the City of Oceanside requirements. Appendix E1 Section 7.6 also requires that the final grading plans and grading work must be drained and properly maintained to reduce erosion, which City staff will confirm as part of the project construction permitting approval process.
- I-18-10** The comment opines that the waivers/incentives to exceed the manufactured slope height and retaining wall height risk undermining the Public Safety Element's intent to balance affordability with safety and aesthetic considerations. This comment ignores the fact that the Final EIR evaluated the project as proposed and described in the Project Description section, including the height of slopes and retaining walls. See Response to Comment I-15-10, I-15-11, I-18-7 and I-18-8 for a response to the public safety and aesthetic arguments offered in this comment.
- I-18-11** Ignoring the analysis of slope stability included in the project record including those discussed in Response to Comment I-18-7, the comment opines that the City should request additional analysis on how the waivers from the Zoning Ordinance 3039(E) will impact hillside stability and compliance with the City's Public Safety Element. The impacts of the proposed project as designed, including all waivers/incentives, have been analyzed throughout the Final EIR and mitigation has been provided when necessary to reduce impacts. No additional analysis or mitigation is required. The request will be forwarded to the decision makers.
- I-18-12** The comment opines that the City should ensure the DEIR accounts for future rainfall scenarios to analyze how storms and soil saturation will be managed to avoid destabilizing the ancient landslide area. See Response to Comment I-18-9. The request will be forwarded to the decision makers.
- I-18-13** The comment opines that the City should require that erosion control plans be finalized and reviewed as part of EIR certification rather than prior to final engineering state since it is a matter of public safety. See Response to Comment I-18-8 for a discussion of why this request is unfounded. The request will be forwarded to the decision makers.
- I-18-14** The comment opines that the City needs to address visual and safety impacts of the retaining walls and manufactured slopes exceeding 30 feet to ensure compliance with the hillside design intent under CEQA. See Response to Comment I-15-10 and I-15-11. The request will be forwarded to the decision makers.
- I-18-15** The comment provides a conclusion and summary of comments I-18-7 through I-18-14. No new arguments are presented. See respective Response to Comments I-18-7 through I-18-14 above.



**I-18-16** The comment questions the methodology utilized by the noise experts who prepared the Draft EIR arguing wet pavement and increased humidity can influence noise propagation. The comment opines that the Draft EIR's analysis excluded representative baseline data and failed to align with Caltrans' guidelines. The Caltrans Guidelines cited in the comment are from Caltrans' Technical Noise Supplement to the Traffic Noise Analysis Protocol. The referenced citation is specific to noise analyses for transportation projects (i.e., roadways or highways). As stated in Caltrans' Traffic Noise Analysis Protocol, Section 3.6 Meteorological Constraints on Noise Measurements, "When noise levels are compared to determine the effects of a transportation project on the noise environment or to evaluate the effectiveness of a noise abatement measure, the before and after noise levels should be conducted under equivalent meteorological conditions". Therefore, while the pavement was damp and the humidity was up when existing noise measurements were conducted for the proposed project in February 2024 (Appendix H), the project is not a transportation-related project and the guidelines from Caltrans' regarding equivalent meteorological conditions do not apply to an analysis of noise impacts from a residential project. Also, the source of the reviewer's humidity argument (incorrectly identified in the comment but found at <https://www.aca-acoustics.co.uk/uncategorized/how-weather-conditions-affect-noise-survey-results/>) is merely marketing material with no references to scientific studies that undermines the arguments presented in the comment. The source document acknowledges only that significant changes in humidity "might" influence results, but only "at distances of half a mile." As the comment concerns the existing conditions noise measurements, and given the infill nature of the Parcel Area where existing noise sources are located in close proximity to the Parcel Area (not anywhere close to the half mile away referenced in the source document), the cited source supports the methodology used in the Draft EIR to measure existing noise levels without adjusting for humidity levels.

As it relates to the proposed project, the results of the noise analysis demonstrate that existing noise measurements were not required for model validation. Consistent with CEQA's requirement that an EIR describe baseline conditions without the project, the Draft EIR includes the baseline noise measurements. However, those baseline noise measurements do not have a bearing on the determination of whether the project contributes to a significant noise impact. Besides the fact that CEQA does not require an analysis of the impact of the environment on a project, the City's Municipal Code Sections 38.12 and 38.16, as well as the other significance criteria used to evaluate the project, require an analysis of a project's ability to meet or exceed the identified noise standards. All relevant regulatory noise limits for this project are absolute limits. As baseline (or ambient) noise levels at the Parcel Area do not exceed the regulatory standards, the measured baseline sound levels have no bearing on project impacts and were not used for evaluating these impacts.

**I-18-17** The comment opines about the noise analysis methodology. The comment argues that the construction noise analysis is oversimplified because it assumes the loudest equipment per phase located at the nearest possible distance to the property line of a sensitive receptor and should instead consider multiple loud machines operating concurrently. The comment opines that the analysis minimizes potential noise impacts on sensitive receptors including the daycare at 4015 Olive Drive. The comment speculates that the default duty-cycle values from the FHA's RCNM model may not reflect the specific operational patterns of this project in a hilly area like Olive Drive. The comment criticizes the noise analysis for its conservative approach of not reducing the projected noise generation levels based on the noise reduction that could occur due to topographic features and structures. As disclosed in EIR Section 4.11, Noise, based on the methodology established by FTA guidance for evaluating



construction noise, the analysis takes into consideration the quantity and types of mobile heavy construction equipment active onsite. Section 7.1 of the latest version of the FTA noise assessment manual, recommends construction noise analysis assume all equipment operates at the center of the project site as a way of reasonably balancing how equipment of different noise generation levels move closer and farther away from sensitive receptors throughout construction. The Draft EIR used an even more conservative approach in analyzing the loudest piece of construction equipment operating as close as 5 feet from the closest property line to the closest noise-sensitive receptor and all other pieces of equipment operating at the center of the project site, as recommended by the FTA guidance, for the entirety of the 8-hour evaluation period. This approach resulted in the Draft EIR study identifying higher noise levels than would have been the case if the Draft EIR used the accepted FTA approach. Due to cumulative noise being a logarithmic sum (see description in Appendix H Section 1.4.2), additional equipment assumed to be operating at distances further than the nearest possible distance to the property line of a sensitive receptor (assuming that, on average, the “not loudest” equipment would be located at the center of the project site to prevent a scenario where heavy equipment is unrealistically “stacking” on top of each other without regard for necessary clearances) would have no effect on the calculated noise level. This is the standard approach for determining construction noise levels per standard FTA guidelines and is therefore used most often for these types of analyses.

Input variables for the predictive modeling consist of the equipment type and number of each (e.g., a grader, two excavators two front end loaders, two scrapers, and one dozer), and the duty cycle for each piece of equipment (e.g., percentage of time within a specific time period, such as an hour, when the equipment is expected to operate at full power or capacity and thus make noise at a level comparable to what is presented in Table 4.11-5). The predictive model also considers how many hours that equipment may be on site and operating (or idling) within an established work shift. The RCNM has default duty-cycle values for the various pieces of equipment, which were derived from an extensive study of typical construction activity patterns. The noise experts determined that this project does not present an atypical construction activity pattern. Thus, the noise study relied on the extensive data supporting the default duty-cycle values for this noise analysis. Further, with respect to the comment’s Table 8.2 supposedly identifying inconsistencies, the comment is mistaken. Analysis utilizing RCNM inputs is limited to the equipment types available within the RCNM program. Construction equipment denoted as “Paving Equipment” appears in the construction roster for the project, but RCNM does not have an option for “Paving Equipment” within the RCNM program. Therefore, the “All Other Equipment > 5 HP” RCNM equipment type was utilized in these instances. The “All Other Equipment > 5 HP” represents one of the loudest equipment types within RCNM and would therefore be considered as a conservative (louder) addition and not an inconsistency. Appendix H contains the details for construction noise analysis by phase activity.

Conservatively, no topographical or structural shielding was assumed in the modeling for sensitive receptors beyond those closest to the Parcel Area. The lack of shielding within the RCNM model provides a worst-case scenario and would not apply to the project’s analysis because there is no topographical variation between the nearest receptor and the source (approximately 5 feet to the property line and with line of sight). Noise propagation is not affected by topography at such close distances. In addition, the hillside on the southern portion of the On-Site Impact area is vegetated which would minimize any reflections that would amplify the sounds. The analysis for the Parcel Area, which assumes equipment operating within 5 feet of the property line of the closest sensitive receptor, without the inclusion of shielding, represents the worst-case scenario. As the Final EIR reflects,

topographical shielding was assumed for some off-site receptors that would be directly affected by off-site construction activity, as described in the “Off Site Construction Noise” section.

Lastly, the comment recommends that additional modeling be conducted to assess cumulative noise impacts on sensitive receptors. This analysis is provided in EIR Chapter 6, Cumulative Impacts. See also Response to Comment I-1-17. Construction noise is a temporary phenomenon that would cease once the project is operational. The cumulative construction noise analysis is based on nearby projects, traffic noise, rail noise, and HVAC noise.

**I-18-18** The comment asserts that the “Off-Site Construction Noise” analysis does not provide an explicit dBA level for noise into adjacent neighborhoods, which the comment argues results in an inadequate assessment of impacts on sensitive receptors. The comment asserts that the “Off-Site Construction Traffic Noise” analysis in Appendix H references Table 5 instead of Table 6, and it argues that an 8.4 dBA increase in traffic noise along Olive Drive is significant and does not consider concurrent construction noise.

The impacts from construction noise were analyzed based on a conservative approach with the loudest piece of equipment operating at a distance of 5 feet from the property line of the nearest sensitive receptor (single-family homes closest to the project site) and the remaining equipment operating at the location identified in the FTA guidance documents (the center of the project site, as dictated by the General Assessment methodology recommendations in Section 7.1 of the 2018 FTA manual). This analysis determined that maximum noise levels generated by project construction relative to the immediately adjacent sensitive residential receptors would be below the FTA guidance of 80 dBA  $L_{eq}$  over an 8-hour period. The “Off-Site Construction Noise” analysis included the following off-site improvements: (1) utility and access connections within and adjacent to Olive Drive extending into the Net Developable Pad; (2) pedestrian connection to the NCTD College Boulevard Sprinter Station; (3) extending the gravity sewer in Olive Drive to connect to the existing 8-inch sewer in College Boulevard; and (4) the emergency only ingress/egress road proposed south of the NCTD rail line with an exit/entry at College Boulevard. All of these improvements would occur at locations where noise-sensitive receivers are at a distance equal to, or greater than, the 5 feet to the property line used for on-site construction noise impacts. As stated in Section 4.11, residentially zoned properties south of the proposed emergency only ingress/egress road would be directly adjacent to construction activity but separated by a topographical break between the road and the receptors as the residences are approximately 10 to 25 feet above the construction area and separated by fencing. This topographical break functions the same as a barrier and is treated as such by the RCNM analysis. As shown Appendix H, the “with barrier option” noise levels for all phases are predicted to be equal to or less than the FTA 80 dBA  $L_{eq}$  over an 8-hour period threshold. Residentially zoned properties along Olive Drive near the project boundary would be directly adjacent to the proposed off-site right-of-way and utility connection improvements within the Olive Drive right-of-way. However, these improvements would not use heavy construction equipment and their noise contributions would not exceed the applicable threshold of significance. Therefore, while no explicit dBA is indicated for off-site construction noise, it can be extrapolated that noise impacts would be less than the worst-case scenario for noise-sensitive receptors nearest to on-site construction activities.

Regarding the “Off-Site Construction Traffic Noise” analysis, the analysis incorrectly references Table 5, as noted in the comment. The correct reference for the existing conditions traffic noise level is Table 6. That typographical error has been corrected in the Final EIR. Regardless, the analysis states that the

comparison is made using existing “without project” traffic noise levels that have been calculated (independent of the measured Parcel Area baseline data). The analysis goes on to demonstrate that the noise level with project construction traffic is 54 dBA CNEL, well below the applicable significance threshold of 65 dBA CNEL. Additionally, the near-term (2026) “with project” predicted traffic noise level, which includes relevant traffic from the cumulative project list and project traffic, is also below the significance threshold at 54 dBA CNEL. That analysis overstates the project’s construction noise as the amount of project operation trip traffic exceeds the highest estimated construction trip traffic. As noted above and within the Draft EIR analysis, 54 dBA CNEL is well below the applicable significance threshold of 65 dBA CNEL.

**I-18-19** The comment contends a moderate 10 dBA increase in noise is associated with cognitive impairment and Alzheimer’s in elderly populations. The comment opines that an 8.4 dBA traffic noise increase is concerning. The commenter’s reference to the 8.4 dBA is found in Appendix H, Table 6, which indicates the project would increase noise levels in 2026 on Olive Drive west of Bradley Street to Bradley Street by 8.4 dBA. The referenced noise increase would occur at full project occupancy and the Draft EIR demonstrates that the “with project” traffic noise level on Olive Drive would continue to be less than the applicable significance threshold. The argument that project construction noise should be added on top of the full project occupancy noise is without merit as construction trips would cease to exist long before full project occupancy so no basis exists for what the comment suggests. The aforementioned 10+ dBA increase assumes that construction is complete and the project is operational and generating traffic trips, which is not a correct methodology. Combining construction traffic noise levels with operational traffic noise levels would not produce an accurate or factual result.

In addition, the commenter’s references to adverse health effects associated with noise (specifically related to cognitive impairment, dementia, and Alzheimer’s disease) are from studies on people who live near major highways and have been exposed to average daily noise levels exceeding 65 dBA on an annual basis, with the greatest effects noted for noise levels exceeding 70 dBA. These sound level magnitudes are significantly higher than the noise levels predicted for this project and these references are not relevant to the conditions that would be introduced by this project.

**I-18-20** The comment states that the DEIR neglects to analyze post-construction traffic noise from 951 to 4,859 daily vehicle trips, which will further elevate noise levels beyond the temporary construction phase. Future traffic noise levels post-construction was analyzed in Appendix H and Section 4.11, Noise. As stated therein, the project is expected to add 1,378 average daily trips to the roadway system. The result of the project’s contribution to average daily trips was added to year 2024, 2026, and 2050 traffic noise scenarios and is presented in Appendix H, Table 6. That analysis demonstrates that the project’s contribution to noise levels would be less than significant under all three of those scenarios. No further analysis is required.

**I-18-21** The comment is based on the unfounded arguments presented in Comments I-18-18 through I-18-20. See the responses to those comments above. No further analysis or measures are required as it relates to those issues.

The comment also argues that the Draft EIR should include enforceable measures, such as sound barriers, scheduling restrictions, and traffic flow management to minimize noise impacts. PDF-NOI-1 is an enforceable project design feature that already limits construction to the hours of 7:00 a.m. and 6:00 p.m. and requires the installation of a temporary 8-foot noise barrier adjacent to the nearest noise-

sensitive receptors. PDF-NOI-1 is enforceable as an element of the MMRP and through incorporation by reference into the project conditions of approval. Therefore, nothing further is required.

**I-18-22** The comment states that the baseline traffic volumes on Olive Drive are overestimated arguing a Blink doorbell camera located at the east end of Olive Drive showed 30-50 trips on weekdays and 10-20 trips on Sundays. The comment then contends that the project's peak construction traffic would represent a significant percentage increase over what the author identifies as the actual baseline level of traffic.

Traffic counts used in the Draft EIR's analysis were conducted on January 25, 2024, for Olive Drive west of Bradley Street by Counts Unlimited, Inc. Counts Unlimited, Inc., has been in business for over 30 years providing traffic data for the public and private sectors including the City of Oceanside. Roadway and intersection traffic was filmed using Digital Video Recording (DVR). The experts at Counts Unlimited then compiled that data into spread sheets that were utilized to prepare the project's Local Transportation Study. A screenshot from the DVR is provided below along with a map indicating where the DVR was located.



The base data that was gathered and validated by the experts at Counts Unlimited demonstrates that 233 vehicles per day is an accurate representation of the ADT on Olive Drive without the project. As demonstrated in Appendix C to Appendix H, the project's construction trips when combined with existing trips would result in a noise level of 50 dBA, which is below the City's 65 dBA exterior threshold for single-family homes. Section 4.11 of the Draft EIR included a typographical error that identified that noise level as 54 dBA instead of 50 dBA. That inadvertent error has been fixed in the Final EIR. Further, and although the Ring doorbell information provided by the comment is not reliable for purposes of measuring the amount of vehicle trips, it bears noting that the lower level of existing trips argued for in the comment does not support the author's opinion that the project would result in significant construction traffic noise impacts. To the contrary, under noise analysis principles, the lower traffic numbers identified in the comment would mean lower overall traffic numbers when project construction traffic is added which would result in total noise generation being even further below the City's 65 dBA exterior threshold of significance.

**I-18-23** The comment argues that discrepancies exist regarding the construction-related vehicle trips identified in the Draft EIR, Appendix B, Air Quality and GHG Technical Report and Appendix H, Noise Technical Report. As explained in Response to Comment I-18-22, a typo identified the project's construction traffic noise level as 54 dBA whereas Appendix H correctly identified that noise level as 50 dBA based on the inputs used. As the comment notes, Appendix H and Appendix B used different inputs for the number of construction trips with the Appendix B (Air Quality) numbers being more conservative. Both numbers are valid and appropriate and provide substantial evidence to support the respective determinations made in the Draft EIR. Nonetheless, for purposes of responding to this comment, a construction traffic noise analysis was prepared using the Appendix B inputs of 18 worker trips, 6 vendor trips, and an overall Passenger Care Equivalent (PCE) number of construction trips of 424. That even more conservative analysis indicates that the existing plus project construction traffic noise levels would be 52 dBA, rather than 54 dBA identified in Section 4.11 of the Draft EIR or the 50 dBA identified in Draft EIR Appendix H. As 65 dBA is the threshold of significance for traffic noise levels for the single family homes along Olive Drive, regardless of the inputs used, the project's contribution to construction traffic noise would be less than significant. The charts summarizing the results of the model runs that used the more conservative Appendix B construction traffic inputs have been added to Appendix H in the Final EIR.

**I-18-24** The comment states that the noise analysis is limited to the grading phase (peak phase) and does not account for cumulative noise from all construction phases. The comment argues that the Draft EIR fails to provide a comprehensive assessment of construction with all equipment or account for cumulative traffic noise impacts along Olive Drive. See Response to Comment I-18-22 and I-18-23.

In addition, with respect to the comment about the methodology used to evaluate the different phases of project construction, the opinion offered is based on a misunderstanding of how construction of this or almost any multi-family housing development would be built. For example, given the magnitude of grading required for the project and the project design, as disclosed in Draft EIR Section 3.2.9, all the site preparation and rough grading for the entire On-Site Impact Area would occur at one time during Phase 1. Further, the Draft EIR did not limit the construction noise impacts to grading operations. Rather, based on the noise generation levels of the different types of construction equipment identified in Section 4.11, the noise experts determined that the loudest construction noise for off-site sensitive receptors would occur during the grading phase of the project construction. Therefore, if the noise



generated during that construction phase was less than significant (as is the case for the project), the other construction phases that generate lower noise levels would also be less than significant. The different phases of construction occur consecutively not concurrently. The analysis assumes that among what may be a quantity of mobile heavy construction equipment active onsite, only one of the loudest types of equipment per phase would be located at the nearest possible distance to the property line of a sensitive receptor.

- I-18-25** The comment states that the Noise Technical Report provides different construction vehicle trip numbers from those that are reported for the DEIR, Appendix B, and Appendix H. The comment also states that the DEIR fails to consider cumulative impacts of on-site construction noise propagating into the neighborhood. This is the same as the comments made previously. See Response to Comment I-18-23 and I-18-24.
- I-18-26** The comment states that sensitive receptors, including the daycare at 4015 Olive Drive located 75 feet of the parcel are not accounted for in the analysis. The Draft EIR's analysis evaluated whether the project construction would exceed applicable significance thresholds for the closest sensitive receptors to the project construction, the single-family homes that share a property line with the Parcel Area. That analysis demonstrates that those closest sensitive receptors would experience construction noise at a level below the significance threshold of 80 dBA  $L_{eq}$  over an 8-hour period. The comment identifies a daycare operation located at 4015 Olive Drive, which is 65 to 70 feet further away from the project construction than the closest sensitive receptors identified and analyzed in the Draft EIR. As described in Appendix H, Section 1.4.6 Sound Propagation, sound levels attenuate (or diminish) geometrically at a rate of approximately 6 dBA per doubling of distance from an outdoor noise source due to the spherical spreading of sound energy with increasing distance travelled. Thus, project construction noise at the further away daycare operation identified in the comment would be lower and even further below the 80 dBA  $L_{eq}$  over an 8-hour period significance threshold. Roughly calculated, at a distance of 60 feet, without accounting for intervening residences, the project related construction noise levels at the daycare operation would be approximately 64 dBA  $L_{eq}$ .
- I-18-27** The comment provides a conclusion and summary of comments I-18-22 through I-18-26. See respective Response to Comments I-18-22 through I-18-26 above.
- I-18-28** The comment points out that the Draft EIR included a typographical error in Section 4.11, Noise, where it referenced standards to evaluate potential noise and vibration impacts for a different project in a different location. As demonstrated in Appendix H, Section 4, and the Draft EIR itself, the Draft EIR's analysis did not rely on the standards to evaluate potential noise and vibration impacts identified in the typographical error. The erroneously included text has been revised in ~~strikeout~~ underline in the Final EIR. No other modifications to the project's noise analysis are required.
- I-18-29** The comment offers a conclusion based on a misapplication of information from the EIR regarding cumulative projects that were included in the noise analysis in Draft EIR Chapter 6. The comment also erroneously states that the cumulative noise impacts analysis did not include relevant projects such as the College Boulevard Roadway Widening Project. The Draft EIR included an analysis of cumulative impacts that could result from the combined effect of past, present, and future projects located in proximity to the proposed project. The list of cumulative projects is provided in Table 6-1. Those cumulative projects were included in the near-term trip generation (2026) projections for the "with" and "without project" operations scenarios evaluated in the noise analysis. Regarding the College

Boulevard Roadway Widening project, that improvement is not a near-term project as it has not been designed or funded and does not qualify as a reasonably foreseeable near-term cumulative project. However, City Transportation staff indicates that the traffic projections (Local Transportation Study (Appendix I2)) used for the 2050 trip generation scenario addressing General Plan buildout conditions includes the College Boulevard Roadway Widening project. The noise analysis (Appendix H) used the 2050 trip generation projections for the cumulative traffic noise analysis. The results of the future traffic noise level analysis are summarized in the Draft EIR and shown in Appendix H Table 6. Thus, the Draft EIR did not rely on erroneous information and further analysis is not required.

**I-18-30** The comment offers a number of opinions and arguments under about the project, the value of the Sprinter system and the City's jobs-to-housing ratio. Based thereon, the comment requests that the project be required to provide a local economic analysis. Initially, the request is improper as CEQA requires an analysis of physical impacts to the environment arising out of a project's physical changes to the environment. Under CEQA, "an economic or social change by itself shall not be considered a significant effect on the environment" (14 CCR 15131 and 15382). Further, the comment's opinions and arguments ignore that the project is consistent with the density for the Parcel Area identified in the General Plan and zoning. As a 100% affordable housing project, the project materially helps the City and the region achieve the Regional Housing Needs Assessment goals for providing affordable housing. With the project being consistent with and implementing the City and region's existing projections for new housing, the comment's arguments about a supposed inconsistency with jobs to housing goals are unfounded. Similarly, the comment fails to recognize or address the extensive, project specific, General Plan consistency analysis included in Draft EIR Section 4.10. As demonstrated, the project does not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Further, the project is consistent with City and regional goals of providing housing in general, and affordable units in particular, in close proximity to public transit such as the immediately adjacent Sprinter Station and nearby bus lines that will serve the project. Therefore, no further response is required to the opinions offered by the author in this comment.

**I-18-31** The comment argues that the Draft EIR should have included an alternative that included providing ingress/egress to the project at the intersection of Avenida del Oro/Oceanside Boulevard. CEQA Guidelines Section 15126.6 requires that an EIR evaluate a reasonable range of alternatives which would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project. As demonstrated in Draft EIR Chapter 8, Alternatives, the Draft EIR analyzed the required reasonable range of alternatives. Thus, the Draft EIR complies with CEQA and nothing more is required. Further, besides the fact that the Draft EIR already satisfies CEQA's alternative requirements, it is not clear that the comment's alternative access approach satisfies CEQA's requirements for an alternative. As the comment acknowledges, the applicant has identified feasibility issues regarding taking access from Oceanside Blvd including the fact that the proposal would require the disturbance of a designated wetland area in the form of Loma Alta Creek, the need to cross an active rail line that serves both commuters and freight and other constraints such as timing, cost and likelihood of securing all the required approvals from numerous federal, state and local agencies. Finally, the Draft EIR demonstrates that the project would not result in significant traffic, noise, or safety impacts such that the alternative providing for access from Oceanside Blvd as identified in the comment would not meet the CEQA alternatives standard of avoiding or substantially lessening any of the significant effects of the project. See also Response to Comment I-9-6.

- I-18-32** The comment states that increasing traffic on Olive Drive from the project would create safety concerns for pedestrians and children. As addressed in Response to Comment I-18-22, the comment relies on an unreliable methodology for identifying existing traffic that utilizes Olive Drive and does not justify the conclusions offered. The LTS and Draft EIR demonstrate that the project will not result in significant transportation impacts and that traffic on the segment of Olive Drive with the project does not exceed the City's designated capacity for that road. See also Response to Comment I-3-9. The comment also argues that the project will reduce property values. Such a consideration is not a proper subject of a CEQA analysis as CEQA requires an analysis of physical impacts to the environment arising out of a project's physical changes to the environment. Under CEQA, "an economic or social change by itself shall not be considered a significant effect on the environment" (14 CCR 15131 and 15382). Therefore, no further response is required to the opinion offered by the author regarding property values.
- I-18-33** The comment opines that routing traffic through Olive Drive would create safety concerns and that incorporating Avenida Del Oro/Oceanside Boulevard into the transportation plan would enhance accessibility. See Response to Comment I-3-9. The record does not support the author's unsubstantiated opinion that the project would "create safety concerns." Also see Response to Comment I-18-31.
- I-18-34** The comment offers an unsubstantiated opinion that a formal assessment of an alternative ingress/egress at Avenida Del Oro/Oceanside Boulevard would ensure the project aligns with long-term community goals and addresses traffic concerns. See Response to Comment I-18-31.
- I-18-35** The comment states that the project should develop and implement measures to address increased traffic, pedestrian safety, and property values. See Response to Comment I-18-32.
- I-18-36** The comment asserts that bicycle infrastructure is missing from Olive Drive and that a Class II bikeway on Olive Drive is needed to fill a critical gap in the bicycle network. The comment ignores the fact that the Draft EIR (Appendix I2) includes a project specific LTS that complies with City's LTS guidance document requiring an analysis of "bicycle infrastructure available including any opportunities or deficiencies" as well as a "discussion of what is planned based on City and regional documentation." The comment also cites to an outdated City Bicycle Master Plan and the General Plan standards that do not specify the establishment of Class 2 bike lanes on a local street like Olive Drive. The comment also fails to acknowledge, as discussed in the Draft EIR, that Olive Drive currently and with the project provides access to the Class 2 bike lane on College Blvd.
- I-18-37** The comment erroneously states that the project is anticipated to generate between 951 and 4,859 daily vehicle trips and offers an opinion that without dedicated bicycle infrastructure, cyclists would be forced to share the roadway which heightens the likelihood of collisions in conflict with the Circulation Element's goal to provide an integrated bicycle system promoting public safety and mobility. As disclosed in Draft EIR Appendix I2, the project would generate 1,378 trips per day with 93 AM peak hour trips (52 trips in and 41 trips out) and 84 PM peak hour trips (36 trips in and 48 trips out). See also Response to Comment I-18-36.
- I-18-38** The comment offers an opinion that multi-family units generally reduce vehicle ownership due to parking limitations, and that unrestricted street parking on Olive Drive removes the disincentive. The comment then offers the unsubstantiated opinion that the project could generate 37 to 298 overflow vehicles and this would discourage cycling. The comment again offers opinions about bicycle safety



hazards due to the project. See Response to Comment I-1-22, I-18-36 and I-18-36. The project provides more parking than required by law and the Draft EIR and LTS demonstrate that the project is consistent with applicable General Plan and Bike Master Plan objectives and policies.

- I-18-39** The comment again argues overflow parking will occur on Olive Drive and states that such an event it would cause permanent effects on local residents and degrade Olive Drive's functionality as a multimodal corridor introducing long-term safety issues. See Response to Comment I-1-22 and I-18-36 through
- I-18-38.** This general comment will be forwarded to the decision makers for consideration. The comment does not raise any specific issues related to the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
- I-18-40** The comment reiterates the author's arguments regarding bicycle infrastructure on Olive Drive and contends underutilized street parking on Olive Drive undermines the project's potential to reduce VMT and GHG emissions. The comment does not offer substantial evidence to support the opinions offered and the Draft EIR demonstrates that the project as proposed would have less than significant VMT and GHG impacts. For a response to the restated bicycle and street parking comments, please see Response to Comment I-1-22 and I-18-36 through I-18-38. This general comment will be forwarded to the decision makers for consideration.
- I-18-41** The comment summarizes the arguments made in preceding paragraphs. See Response to Comment I-18-36 through I-18-40.
- I-18-42** The comment asks for the basis for describing the Parcel Area as "urban". The comment states that EIR Chapter 5, Effects Found Not to be Significant, identifies the Parcel Area as the Parcel Area is designated as "Urban and Built-up Land and Non-Agricultural or Natural Vegetation", but it should be revised to "Other Land". The comment provides the opinion that the environmental setting should reflect Oceanside's identity as a suburban city. The comment provides the opinion that environmental impacts should be reassessed to ensure suburban-specific data and methods were used instead of "urban" particularly regarding noise, traffic and other impacts related to public health and safety.

The Draft EIR properly describes the project's setting. The Parcel Area is bounded by a rail line with commercial and industrial buildings to the north, residential development to the east and south and residential and a mix of other urban uses to the west. Further, per the U.S. Census Bureau, according to the current delineation released in 2022, defines urban areas as densely developed areas with 2,000 or more housing units or 5,000 or more residents. Rural areas comprise open country and settlements with fewer than 2,000 housing units and 5,000 residents<sup>2</sup>. As identified in Section 4.12, Population and Housing, Table 4.12-2, the City of Oceanside has a 2025 population of 178,385 people and approximately 67,816 housing units. Thus, the City qualifies as an "urban" area.

According to the Department of Conservation's Farmland Mapping and Monitoring Program, the commenter correctly states that the Parcel Area is designated as "Other Land" and this reference in Chapter 5 of the Final EIR has been revised in ~~strikeout~~ underline. However, that correction does not

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<sup>2</sup> <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html>

alter the determination that the project proposed for a residentially designated property would have no impacts on agricultural resources.

The commenter's opinion that impacts should be reassessed based on "suburban" specific data is not supported by substantial evidence, and the comment does not provide a CEQA justification for what is requested, a definition of "suburban" or substantiation for the argument that relabeling to suburban would result in a determination that the Final EIR fails to comply with CEQA's requirements as it relates to the project.

- I-18-43** The comment includes backup information that the author contends supports the comment letter. The comment does not raise any specific CEQA issues not previously addressed in this response to comment; therefore, no further response is required.

Shannon: I have found several inconsistencies in the EIR. I am listing them below. My comments are in red.

I-19-1

## Olive Park Apartments Project EIR Optimized

### 4.3 – BIOLOGICAL RESOURCES

There are other species not listed in this section: opossums, raccoons and roadrunners. Also, I have seen red-winged blackbirds in wetter seasons.

I-19-2

### 4.6.1,2 Topography pg 207

“Landslides The majority of the northern half of the Parcel Area is underlain by landslides. In addition, the Santiago Formation found south of the On-Site Impact Area possesses weak claystone beds that can create slope instability.

I-19-3

Groundwater was encountered ranging at depths from 9 feet to 45 feet below existing grade at several exploratory borings on the Parcel Area, but no groundwater was encountered within the On-Site Impact Area. **However, it is not uncommon from groundwater or seepage conditions to develop where none previously existed. Groundwater and seepage is dependent on seasonal precipitation, irrigation, land use, among other factors, and varies as a result (Appendix E1).** “

I-19-4

Our rainfall runs in a pattern, see San Diego Rainfall Chart <https://www.custompuzzlecraft.com/Weather/sandiegorain.html> We have had wetter seasons where there is a pond in that area. Also, see page 272 indicating that this parcel is within the 100 year flood zone.

I-19-5

Table 4.7-7. Climate Action Plan Consistency Checklist and Project Consistency pg 253  
4. Transportation Demand Management (TDM). Per Section 3050 of the City’s Zoning Ordinance, does the proposed project expected to generate at least 100 daily employee commute trips, necessitating the preparation and implementation of a TDM Plan.”  
**Not Applicable. The project is a residential project and would not generate more than 100 daily employee commute trips.**

I-19-6

Only 100 daily employees commuting from 272 units daily? Not realistic.

### 4.9.1 Hydrologic Setting Loma Alta Creek pg. 271

I-19-7

Land uses shall not significantly distract from nor negatively impact surrounding conforming land uses.

The conforming land use is single family homes and commercial. In 2006, the area was zoned R1.

I-19-8

Table 4.10-1, Page 299, Policy 1.1B “Land uses shall not significantly distract from nor negatively impact surrounding conforming land uses” “space uses and zoning designations. The project would not negatively impact surrounding conforming land uses because it proposes similar residential development and open space amenities.” Confirmation: The project would be in conformance with this policy.

I-19-9

**This analysis is vague. Also there are NO 3 story buildings in the area.**

Table 1.12B Page 300 The use of land shall not create negative visual impacts to surrounding land uses. **Again, there are No 3 story buildings in this area.**

I-19-10

1.12 Land Use Compatibility Objective The proposed housing development would be consistent with the surrounding residential land uses, as the site is zoned and designated for residential uses. *The Parcel Area access has been designed to reduce the potential for additional traffic on Oceanside Boulevard.* The project would not alter the designated land uses surrounding the Parcel Area. **How has the project designed to reduce the potential for additional traffic on Oceanside Boulevard?**

I-19-11

1.24I, Page 308, Policy 1.24I “A Geotechnical Investigation was prepared for the project by Geocon in March 2024, included in this EIR as Appendix E1. T” **There was a team taking soil test on July 12, 2024. What was the results of those tests?**

I-19-12

Public Safety Element Goal, page 315. “In the event of an emergency, adequate emergency access would be provided via the entrance located on Olive Drive and, because the Code requires secondary access for projects over a certain number of units, via a proposed secondary emergency only ingress/egress route from the northeast corner of the Parcel Area to College Boulevard. Circulation and an emergency only ingress/egress road” **On September 27, 2024, a house on Olive Drive caught fire. The street was filled with 19 fire vehicles. The street was closed. No one could get in or out for at least 2 hours. What would the occupants of the 282 units do?**

I-19-13

Master Transportation Roadway Plan, page 319. Aim for an acceptable Level of Service (LOS) D or better on all Circulation Element roadways on an average daily basis and at intersections during the AM and PM peak periods. Per the Local Transportation Study prepared for the proposed project, the project would generate approximately 1,378 daily trips, 93 AM peak hours trips and 84 PM peak hour trips. The Local Transportation Study demonstrates that the project would not cause an exceedance of the LOS D level identified in this objective. In the cumulative Buildout Year 2050 condition, the intersection of Olive Drive/College Boulevard is predicted to operate at LOS E or LOS F without the project. As documented in the Local Transportation Study and a memo prepared by LOS Engineering (2024), the project as proposed and conditioned will be consistent with this LOS objective.

I-19-14

According to the **Oceanside General Plan, Circulation Element dated September 12, 2012:**

College Blvd. is a major arterial roadway with traffic volume of 46,700. Level of Service (LOS) is F. Existing intersection for Olive Dr. & College Drive is A, B, and C. (pg. 21).

Table 3-1, City of Oceanside Street Design Criteria. Volume Capacity for Cul d sac street: Less than 200.

In a previous attempt to develop this area, I spoke to City Planner, Shan Babick on December 7, 2005, the average number of traffic per day was 10. That equates to 2820.

Table 7.7.7 "The project is a residential project and would not generate more than 100 daily employee commute trips."

On page 319: "Per the Local Transportation Study prepared for the proposed project, the project would generate approximately 1,378 daily trips, 93 AM peak hours trips and 84 PM peak hour trips." **What is it: 100 or 1,378 trips?**

Again, according to the **Oceanside General Plan, Circulation Element dated September 12, 2012**

Pg. 35 Unacceptable LOS Roadway segments.: "Capacity: Four-lane major between SR76 and Mesa Drive, six-lane major between Oceanside Boulevard and Olive Drive,... Mitigation: Widening the four-lane major sections (where there is an impact) to a six-lane major or widening the six-lane major sections (where there is an impact) to a six-lane prime arterial would accommodate forecast traffic volumes; however, residents on certain sections of College Boulevard would be impacted by widening this corridor."

Pg. 41. 2030 Master Transportation Roadway Plan Intersection LOS Operations  
3.7.3 Recommended Overriding Considerations

College Boulevard between Oceanside Boulevard and Olive Drive The Master Transportation Roadway Plan shows this segment as a six-lane major arterial. It would require a six-lane prime arterial designation to accommodate the forecast traffic volumes. The new TMC can be used to manage the transportation system through adaptive signals on congested corridors.

TABLE 4-1 2000 COMMUTE MODES 73% of people drive alone. (52,880)

Table 3-1, City of Oceanside Street Design Criteria. Volume Capacity for Cul d sac street: Less than 200.

Pg. 35 Unacceptable LOS Roadway segments.: "Capacity: Four-lane major between SR76 and Mesa Drive, six-lane major between Oceanside Boulevard and Olive Drive,...

I-19-14  
Cont.

I-19-15

I-19-16

Mitigation: Widening the four-lane major sections (where there is an impact) to a six-lane major or widening the six-lane major sections (where there is an impact) to a six-lane prime arterial would accommodate forecast traffic volumes; however, residents on certain sections of College Boulevard would be impacted by widening this corridor.”

Pg. 41. 2030 Master Transportation Roadway Plan Intersection LOS Operations

3.7.3 Recommended Overriding Considerations

College Boulevard between Oceanside Boulevard and Olive Drive The Master Transportation Roadway Plan shows this segment as a six-lane major arterial. It would require a six-lane prime arterial designation to accommodate the forecast traffic volumes. The new TMC can be used to manage the transportation system through adaptive signals on congested corridors.

*As you can see, 282 units will definitely be a negative impact to this plan.*

I-19-16  
Cont.

## **Response to Comment Letter I-19**

**Zoe Erickson  
January 6, 2025**

- I-19-1**      See Response to Comment I-11-1.
- I-19-2**      See Response to Comment I-11-2.
- I-19-3**      See Response to Comment I-11-3.
- I-19-4**      See Response to Comment I-11-4.
- I-19-5**      See Response to Comment I-11-5.
- I-19-6**      See Response to Comment I-11-6.
- I-19-7**      See Response to Comment I-11-7.
- I-19-8**      See Response to Comment I-11-8.
- I-19-9**      See Response to Comment I-11-9.
- I-19-10**     See Response to Comment I-11-10.
- I-19-11**     See Response to Comment I-11-11.
- I-19-12**     See Response to Comment I-11-12.
- I-19-13**     See Response to Comment I-11-13.
- I-19-14**     See Response to Comment I-11-14.
- I-19-15**     See Response to Comment I-11-15.
- I-19-16**     See Response to Comment I-11-16.

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SOURCE: SanGIS 2023

**DUDEK**



0 115 230 Feet

**FIGURE RTC-1**  
**Proposed Open Space Easement**  
 Olive Park Apartments



