

FINAL ENVIRONMENTAL IMPACT REPORT FOR THE VILLA STORIA PLANNED DEVELOPMENT PLAN

The City of Oceanside, as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Final Environmental Impact Report (Final EIR) for the proposed Villa Storia Planned Development Plan (PD Plan) Project (proposed project), located within the City of Oceanside. As described in Sections 15089 and 15132 of the CEQA Guidelines, the Lead Agency must prepare a Final EIR before approving a project. Pursuant to CEQA Guidelines Section 15132, a Final EIR shall consist of:

- a. The Draft EIR or a revision of the draft.
- b. Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- e. Any other information added by the Lead Agency.

Pursuant to these guidelines, this Final EIR (State Clearinghouse No. 2014051018) includes in the following order: a list of persons, organizations, and agencies that provided comments on the Draft EIR; responses to comments received on the Draft EIR; and the Final EIR as revised in response to comments provided on the Draft EIR.

The City has made revisions and clarifications to the Draft EIR. These revisions to the Draft EIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the Draft EIR provide new information that may clarify or amplify information already found in the Draft EIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

In addition, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is bound separately but is a component of the Final EIR. The MMRP provides the mitigation program required to be adopted by the City pursuant to Public Resources Code Section 2108.6, which will ensure that if the project is approved and developed, all recommended mitigation measures will be implemented to reduce or avoid significant environmental effects.

INTENTIONALLY LEFT BLANK

RESPONSES TO COMMENTS

COMMENTS RECEIVED ON THE DRAFT EIR AND RESPONSES

The Draft EIR was circulated for public review on February 20, 2015 through April 6, 2015, in accordance with the 45-day comment period required under Section 15105(a) of the CEQA Guidelines. A total of 59 comment letters were received on the Draft EIR from agencies as shown in the list below. The list below also includes two letters received after the 45-day comment period. Each letter received is set forth herein and has been designated with a letter reference. Each individual comment with each letter is assigned a number. A response to each comment is labeled with a corresponding letter-number reference.

In accordance with CEQA Guidelines 15088 and 15204, the City has independently evaluated the comments and prepared the attached written responses describing the disposition of any significant environmental issues raised. CEQA does not require the City to conduct every test or preform all research, study, and experimentation recommended or demanded by commenters. Rather, CEQA requires the City to provide a good faith, reasoned analysis supported by factual information. Case law under CEQA recognizes that the City need only provide responses to comments that are commensurate in detail with the comments themselves. In the case of specific comments, the City has responded with specific analysis and detail; in the case of a general comment, the reader is referred to a related response to a specific comment, if applicable. The absence of a specific response to every comment does not violate CEQA if the response would merely repeat other responses.

To fulfill these requirements, the City experts in planning and environmental sciences consulted with and independently reviewed analysis responding to the Draft EIR comments prepared by Dudek and other experts identified in the Draft EIR's list of preparers, which include experts in planning, aesthetics, agriculture, air quality, biology, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, utilities and service systems, energy, and environmental studies, each of whom has years of educational and field experience in these categories of environmental sciences; is familiar with the project and the environmental conditions in the vicinity of the project; and is familiar with the federal, state and local rules and regulations (including CEQA) applicable to the project site. The following is a link that describes Dudek services and experience with regard to the aforementioned planning and environmental sciences: <http://www.dudek.com/services/az-index/>.¹ Accordingly, the City staff's final analysis provided in this response to comments are backed by substantial evidence. Likewise, the City Attorney's

¹ A print out of content available at the link is on file in the City's Development Services Department.

Office prepared and/or independently reviewed legal analysis supplementing the expert-supported factual response to the Draft EIR comments.

A list of the agencies commenting on the Draft EIR is provided in Table 1 below:

**Table 1
Commenters and Comment Letters**

Document Letter	Organization/Commenter
Comment Letter A	State Clearinghouse, Scott Morgan, Director
Comment Letter B	Los Angeles District Corps of Engineers, Therese O. Bradford, Chief
Comment Letter C	San Diego County Archaeological Society, Inc., James W. Royle, Jr., Chairperson
Comment Letter D	Diane Nygaard
Comment Letter E	Preserve Calavera, Diane Nygaard
Comment Letter F	Friends of Loma Alta Creek, Nadine L. Scott, Attorney
Comment Letter G	Barry and Katie Mylar
Comment Letter H	Jean Gaspard
Comment Letter I	Ione Elsner
Comment Letter J	Sally Antsen
Comment Letter K	Pauline Bledsoe
Comment Letter L	Sally Antsen
Comment Letter M	Barry and Katie Mylar
Comment Letter N	Jan Hodkinson
Comment Letter O	U.S. Fish and Wildlife Service, Karen A Goebel, Assistant Field Supervisor; California Department of Fish and Wildlife, Gail K. Sevrens, Environmental Program Manager
Comment Letter P	Ione Elsner
Comment Letter Q	Lucienne Austin
Comment Letter R	Jean Kopp
Comment Letter S	Linda Glasscock
Comment Letter T	MaryLou Cole
Comment Letter U	Don and Gloria Johnson
Comment Letter V	Rose F. and Thomas Killian
Comment Letter W	Alan and Abby Walsh
Comment Letter X	Janet R. Chipps
Comment Letter Y	Carleen Larson
Comment Letter Z	Karen E. Hemmingway
Comment Letter AA	Alan Murd
Comment Letter AB	Darlene Johnson
Comment Letter AC	Ann E. Paul
Comment Letter AD	Janet Chipps and Jennifer Roel
Comment Letter AE	Darlene Johnson
Comment Letter AF	L.E. Pearce
Comment Letter AG	Katherine Simon
Comment Letter AH	Jack Joseph

Table 1
Commenters and Comment Letters

Document Letter	Organization/Commenter
Comment Letter AI	Anna H. Montgomery
Comment Letter AJ	Evie Coates
Comment Letter AK	Joanne Lipton
Comment Letter AL	Danielle Glasscock
Comment Letter AM	Linda Glasscock
Comment Letter AN	Nicole Glasscock
Comment Letter AO	William Glasscock
Comment Letter AP	William Glasscock
Comment Letter AQ	Steve Guidry
Comment Letter AR	Brigette Ottaviano
Comment Letter AS	Scott Austin
Comment Letter AT	Phillis Trucco
Comment Letter AU	Ione Elsner
Comment Letter AV	Trudy Strausbaugh
Comment Letter AW	Fred and Linda Berman
Comment Letter AX	Brad and Jan Lovett
Comment Letter AY	K Private
Comment Letter AZ	Stephen W. Bristol
Comment Letter BA	Gerald Lederthiel
Comment Letter BB	Brigette Ottaviano
Comment Letter BC	Patricia Hunt
Comment Letter BD	Rincon Band of Luiseño Indians, Rose Duro, Chairman
Comment Letter BE	Department of Transportation, District 11, Jacob M. Armstrong , Chief
Comment Letter BF	Preserve Calavera, Diane Nygaard
Comment Letter BG	San Luis Rey Band of Mission Indians, Merri Lopez-Keifer, Chief Legal Counsel
Comment Letter BH	Sierra Club

Copies of all letters received by the City of Oceanside regarding the Draft EIR and the responses to comments follow.

INTENTIONALLY LEFT BLANK

Comment Letter A



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

April 7, 2015

Russ Cunningham
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Subject: Villa Storia
SCH#: 2014051018

Dear Russ Cunningham:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on April 6, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

A-1

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

INTENTIONALLY LEFT BLANK

Response to Comment Letter A

**State Clearinghouse
Scott Morgan
April 7, 2015**

- A-1** Comment noted. This comment letter acknowledges that the DEIR complied with public review required pursuant to CEQA.

INTENTIONALLY LEFT BLANK

Comment Letter B



DEPARTMENT OF THE ARMY

Los Angeles District Corps of Engineers
Regulatory Division-Carlsbad Field Office
5900 La Place Court, Suite 100
Carlsbad, CA 92008

March 9, 2015

REPLY TO
ATTENTION OF

Office of the Chief
Regulatory Division

Mr. Russ Cunningham
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

SUBJECT: Information regarding requirement for Department of the Army Permit

Dear Mr. Cunningham:

This is in response to information received regarding Villa Storia Planned Development Plan. Based on the information you have provided, we are unable to determine if the proposed work would be regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. Please review your project and determine if you need a permit.

Applications and additional information are available on our website <http://www.spl.usace.army.mil/Missions/Regulatory/PermitProcess.aspx>. If you have any questions, please contact Shari Johnson of my staff at 760-602-4829 or via e-mail at Shari.Johnson@usace.army.mil.

B-1

Sincerely,

Therese O. Bradford
Chief, South Coast Branch

cc:
Mr. Brian Grover, Dudek

INTENTIONALLY LEFT BLANK

Response to Comment Letter B

Los Angeles District Corps of Engineers

Therese O. Bradford

March 9, 2015

- B-1** Comment noted. The project applicant will work with the Army Corps of Engineers and any other applicable agency to obtain all required permits for the development of the proposed project.

INTENTIONALLY LEFT BLANK

Comment Letter C



San Diego County Archaeological Society, Inc.

Environmental Review Committee

14 March 2015

To: Mr. Russ Cunningham, Senior Planner
Development Services Department
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Subject: Draft Environmental Impact Report
Villa Storia Planned Development

Dear Mr. Cunningham:

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

Based on the information contained in the DEIR and its Appendix D, We agree with the impact analysis presented. To be clear, there is no question that any human remains and burial items must be repatriated. However, the last sentence of MM-CUL-1, beginning "Alternatively...", would result in unmitigated cumulative impacts to cultural resources, since cataloging, analyzing and reporting on recovered material does not exhaust the research potential. Retention in a facility, tribal or not, meeting the standards of 36CFR79 and the State's Guidelines for the Curation of Archaeological Collections retains the possibility of future study using methods not yet developed. It would also preclude study by other than archaeologists, such as climate change researchers.

Thank you for the opportunity to review and comment upon this project's environmental studies.

Sincerely,

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

cc: Helix Environmental Planning
Dudek
SDCAS President
File

C-1

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

INTENTIONALLY LEFT BLANK

Response to Comment Letter C

San Diego County Archaeological Society, Inc.
James W. Royle
March 14, 2015

C-1 This comment states that repatriating cultural material that may be discovered on the Project site to relevant tribes would result in unmitigated cumulative impacts to cultural resources because repatriated artifacts would not be curated at a facility meeting the guidelines set forth in 36 CFR 79. The full research potential of such repatriated materials may not be realized if they are not made available for future research and study through curation at a qualified facility. The City agrees that some classes of cultural resources should be curated in a facility. Accordingly, the last bullet point of MM-CUL-1 is deleted and replaced with the following:

- If human remains, burial items, or items of a sacred or ritual nature are encountered during grading, trenching, and other ground disturbing activities, such items would be repatriated to the Luiseño community or other appropriate Native American tribe. Any other cultural material recovered in conjunction with the project will be permanently curated at a facility meeting the standards of 36 CFR 79 and the State's Guidelines for the Curation of Archaeological Collections (State Department of Parks and Recreation, May 1993). If a tribal facility meeting these standards is not available for curation of the cultural material recovered, cultural material will be curated at the San Diego Archaeological Center or similar appropriate facility.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~ underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

INTENTIONALLY LEFT BLANK

Comment Letter D

Villa Storia Existing Land use

From:DandD <dandd2@peoplepc.com>
To:Russ Cunningham
Subject:Villa Storia Existing Land use
Date:Mar 18, 2015 6:57 AM

Hi Russ

Just going through the DEIR for this project.

I D-1

The information about existing land use and zoning is completely inadequate to evaluate any meaningful comparison between existing(baseline conditions) and proposed project.

I D-2

Existing has about 1/2 of the site PI and the other half single family detached residential. How many residential units would be allowed under existing zoning and how many acres fall in that category?

I D-3

How many acres are PI?

I D-4

What is the SANDAG trip generation rate for PI?

I D-5

Is there somewhere in the DEIR that properly identifies existing baseline conditions- if so I sure did not find it. (The zoning and land use figures and tables do not)

I D-6

My major concern is how this impacts the faulty analysis of GHG impacts. It is my understanding that CARB and state level GHG projections are based on existing land use so we really need to be clear what that baseline is. (ie comparing baseline to project with mitigation- not the proposed project with and without mitigation).

I D-7

Can you answer these questions which are essential to provide substantive comments on the analysis?

I D-8

Thank you.

Diane

INTENTIONALLY LEFT BLANK

Response to Comment Letter D

Diane Nygaard
March 18, 2015

D-1 Comment noted.

D-2 The comment states that the DEIR information about existing land use and zoning is inadequate to evaluate any meaningful comparison between existing conditions and the proposed project. The City respectfully disagrees with this comment. The existing land uses, existing land use designations, and existing zoning of the proposed project site are discussed in several locations within the DEIR. First, existing on-site land uses, and a brief history of land uses, is described in Section 2.1 of the DEIR. The DEIR properly refers to the existing baseline conditions in Chapter 2 where it identifies the site as largely consisting of “previously disturbed and vacant land” and the land cover as comprised of “seasonal grasses with small portions of ornamental land and mulefat scrub.” Second, Table 3-1 in Chapter 3, Project Description provides an acreage and proposed Planning Area breakdown of project site and includes existing land use designations and existing zoning. Third, existing land uses, existing land uses designations, and existing zoning are described again in Section 4.9, Land Use. Table 4.9-1 provides a breakdown of acreages and existing versus proposed land use designations and zoning by proposed Planning Area. Additionally, Figures 4.9-2 and 4.9-3 show existing versus proposed General Plan land use designations and zoning, respectively.

Note that the General Plan’s designated land uses and existing zoning are not the CEQA baseline for this project. CEQA Guideline section 15125(a) states that the “physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published . . . will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” (See also CEQA Guidelines, §15126.2(a) [“In assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to the changes in the existing physical condition...”] Accordingly, for purposes of CEQA, the vacant land (existing condition) is the CEQA baseline and the starting point for environmental analysis, not the land uses permitted under the Zoning Ordinance or the General Plan.

D-3 Please see Section 4.11.4 of the DEIR. The 2013-2020 Housing Element identifies this portion of the project site as 14.85 acres in size with 74 dwelling units accounted for in the Vacant Sites Inventory for Above Moderate Income Sites (see Table B-B of the Housing Element). However, at a maximum permitted 5.9 du/ac per 1992 Zoning

Ordinance for the RS zone, 87 dwelling units could potentially be developed on this portion of the project site.

D-4 As shown in Table 3-1, in Chapter 3, Project Description of the DEIR, approximately 18 acres of the proposed project site are currently designated as Private Institutional.

D-5 There is no trip generation rate applicable to the Private Institutional (PI) zone generally. The SANDAG (*Not so*) *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, April 2002, a copy of which is attached hereto, indicates that trip generation rates for uses permitted under the PI zone would range from 5 per acre for cemeteries, to 30 per acre for churches, to 25 per 1,000 SF for hospitals. For an analysis of traffic related to the proposed project specifically, please refer to the Traffic Impact Analysis (Appendix J) of the DEIR for information regarding trip generation relevant to the analysis of the proposed project. The General Plan's designated land uses are not the CEQA baseline for this project. The vacant land is the (existing condition) is the CEQA baseline and the starting point for environmental analysis; therefore, analysis of traffic trips is not based upon a use that is allowable under the current Private Institutional designation.

D-6 Please refer to Response to Comments D-2 and D-5.

D-7 The General Plan's designated land uses are not the CEQA baseline for this project. The vacant land (existing condition) is the CEQA baseline and the starting point for environmental analysis; therefore, GHG emissions should not be measured based upon a use that is allowable in the current Private Institutional and Residential land use designations. Contrary to the commenter's assertion, the California Air Resources Board ("CARB") and state level greenhouse gas ("GHG") projects are not based on existing land uses.

This is evident in the DEIR's GHG analysis in Section 4.6, which is consistent with CEQA Guidelines Section 15064.4 "Determining the Significance of Impacts from Greenhouse Gas Emissions." Pursuant to CEQA Guidelines section 15064.4(b), a lead agency should consider the factors described below when assessing the significance of impacts from greenhouse gas emissions on the environment.

First, a lead agency should analyze the extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting. The modeling system that Dudek and the City used for this project to analyze Greenhouse Gas Emissions is the California Emission Estimator Model (CalEEMod) Version 2013.2.2. This system uses 0 Metric Tons CO₂E for GHG emissions from vacant land, which is this project's environmental baseline. The City independently

reviewed a GHG study prepared by air quality and GHG experts at Dudek, who input factors describing the project in its unmitigated condition (called Business As Usual condition or “BAU”) and found that the GHG emissions were 5,860 Metric Tons CO₂E, which is disclosed in Table 4.6-4 of the DEIR. The City also independently reviewed the input factors described in the project in its mitigated condition and found that the GHG emissions were 4,860 Metric Tons CO₂E, which is disclosed in Table 4.6-4. The mitigated condition compared to the 0 Metric Tons CO₂E is the extent to which the project may increase GHG emissions. If the City had used a different project that assumed trips generated by a Private Institutional use as its baseline, as suggested in the comment letter, then the starting point for the analysis would not be 0 emissions, but several thousand metric tons of emissions, and would therefore show a much smaller change compared to the 4,860 Metric Tons CO₂E in the unmitigated proposed project (DEIR, Table 4.6-4). Accordingly, the BAU method is a more accurate and conservative analysis than one that incorrectly assumes there is already a development on a site that is really just vacant land. The BAU method compared to zero emissions vacant land was properly used to avoid misleading the public, which complies with CEQA Guidelines section 15064.4(a)’s requirement that “A lead agency should make a good-faith effort, based to the extent on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to ... use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence.”

Second, the CEQA Guidelines instruct that a lead agency should analyze whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project. Consistent with guidance by CARB, the California Air Pollution Control Officers Association (“CAPCOA”), and our local Court of Appeal in *City of Chula Vista v. CREED*, the City selected a threshold of significance based on whether the project interferes with the State’s efforts to achieve its statewide GHG emissions targets. As these judiciary branch of government and air quality experts at these state public agencies have explained, when a project’s GHG emissions are 28% to 33% below the BAU emissions (now 15.3% below BAU according to the Update CARB Scoping Plan) than the project would generate in its unmitigated condition, then there is substantial evidence to support that the project is not interfering with the State’s efforts to achieve its statewide GHG emissions target of reducing GHG emissions to 1990 levels by 2020. (See DEIR, p.4.6-14 to 4.6-15. See also the

following cases upholding the BAU methodology: BAU methodology *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515; *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327; *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832.) This is the state's emissions target reflected in AB 32, the Global Warming Solutions Act. (See DEIR, p.4.6-14 to 4.6-15.) The DEIR analysis concludes that the project has no unmitigated significant GHG impact because it reduces GHG emissions 17.1% below BAU, and therefore does not interfere with achievement of the state's goal. (DEIR, p.4.6-19.) Also, it is noted that the Scoping Plan's forecast of GHG emissions was based on a wide variety of factors, including the anticipated pace of economic growth in the state. (Updated Scoping Plan, p. 27, see also pp. 46, 49 [recognizing that development of communities plays a role in reducing GHG emissions]) CARB's forecast of emissions and analysis of what is needed to achieve GHG emissions targets cannot be simplified to assumptions about build-out of development under existing land use plans. Again, the potential development under the existing land use plans are not the baseline for environmental analysis under CEQA.

Third, the CEQA Guidelines instruct that a lead agency should analyze the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional or local plan for the reduction or mitigation of greenhouse gas emissions adopted through a public review process. The City does not have a Climate Action Plan or General Plan Policies specifically adopted to reduce GHG Emissions. (DEIR, p. 4.6-20 ["no applicable plan, policy, or regulation would be specifically applicable to reduction of GHG emissions from the project."]) However, the project would comply with the statewide California Green Building Code, which reduces GHG emissions by mandating that new building construction comply with stricter energy efficiency requirements, which reduce the production of greenhouse gases incidental to energy generation. (DEIR, p. 4.6-6 to 4.6-7) The City adopted the California Green Building Code through a public review process (City Ordinance 13-ORO752-1, adopted November 6, 2013). Accordingly, the project does not interfere with the state's efforts to achieve its GHG emissions targets because it is required to comply with the state and City's Green Building Code.

Copies of the following guidance documents from CARB and CAPCOA are attached hereto and incorporated herein for reference: (i) CAPCOA's CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act, January 2008 (ii) CAPCOA's Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation

Measures, August 2010, (iii) CARB's Climate Change Scoping Plan, A Framework for Change Pursuant to AB 32, The California Global Warming Solutions Act of 2006, CARB, December 2008; and (iv) CARB's First Update to the Climate Change Scoping Plan dated May 2014.

- D-8** Comment noted. The comment concludes the comment letter, and does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter E



March 31, 2015

Russ Cunningham, Senior Planner
Planning Division, City of Oceanside
300 North Coast Highway
Oceanside, CA 92054
Sent via email

Subject : Comments on DEIR SCH 2014051018
Villa Storia Planned Development Plan

Dear Mr. Cunningham :

These comments are submitted on behalf of Preserve Calavera, the largest grass roots conservation organization in coastal north San Diego County. Our organization has spent many years on a wide range of efforts to preserve, protect and enhance the natural resources of this area. More recently our efforts have extended to reducing the impacts of climate change which could dramatically impact all of the resources we have been working to protect. A project of the size of Villa Storia has the potential for significant direct, indirect and cumulative impacts that have not been adequately evaluated or mitigated in this Draft Environmental Impact Report (DEIR).

E-1

The following are the specific comments that support our conclusions on the inadequacy of the DEIR and need for substantial modification:

Land Use

- Base line conditions are not properly identified

Throughout the DEIR it says that the project proposes amendments to the existing land use and zoning. However the details of the baseline land use and zoning and the differences between what is currently allowed and what is being proposed has not been provided in a consistent way throughout the document. For example the land use section does not provide any detailed comparison of existing and proposed land uses/zoning for each of the 4 planning areas or in total. The traffic analysis per Table 4.14-15 assumes 90 existing single family residences on eastern portion of site, and nothing on the western. The alternatives analysis includes no description of the actual existing GP land uses. This lack of baseline and consistent comparative information affects the analysis of impacts throughout the DEIR- Land Use, Traffic, Air Quality, GHG and others. The DEIR was released for a 45 day public review period from February 20 through April 6, 2015. On

E-2

5020 Nighthawk Way - Oceanside, CA 92056
www.preservecalavera.org

March 18, 2015 we requested clarification of baseline conditions (see email att). We received 2 subsequent emails saying such information would be provided, but as of today this information has not been received. In the absence of this information it is not possible to provide substantive comments on many of the issues of concern.

E-2
Cont.

- Unclear if higher density is allowed in the city's TOD guidelines

The DEIR has provided no analysis as to whether this project meets the guidelines for transit oriented development (TOD) such that additional density/density bonuses would be allowed. This is important both for evaluating the proposed land use changes and for assuring that alternative transportation has been adequately considered.

E-3

- Poor siting/timing of primary active recreation park

The largest park for the project, and the only one that provides for active recreation, is proposed on the SW corner of PA 4. Instead of being centrally located, this park is on the far perimeter of the project where most of the residents will have a substantial distance to reach it. Furthermore this is not proposed to be built until Phase 4 of the project- well after most of the housing units have been built. This park is part of the minimum open space requirements and should be built as part of the basic public infrastructure with the first phase of the project.

E-4

Aesthetics

- The locations selected for analysis of visual impacts failed to address key areas of concern and minimized the impacts

The CEQA threshold for determination of significant impacts is focused on public views- that is what is protected. The Land Use element of the General Plan identifies two specific areas of scenic protection per section 3.21. The visual simulations shown do not address these two specific areas, although they have special protection under the GP. Furthermore it is hard to understand how the analysis for the other views that were selected could conclude that there are no impacts when what is protected is a "scenic open view" that is replaced by a view of buildings. The DEIR concludes that because the design of the new buildings is consistent with the building views of the nearby Mission San Luis Rey that there is no significant impact. Replacing an open scenic view with a view of a building is a significant impact that was not properly evaluated or mitigated.

E-5

- plants are not consistent with the historic context

The historic context, particularly of the portion of the master plan within the core historic district, should be consistent with the intent of the historic designation. The DEIR says that the trees, shrubs and groundcovers are "consistent with the mission period." We have no idea what that statement even means, Native plants would have been the primary plant palette during the mission period. From what we can determine of the proposed plant palette only one tree and three shrub species are southern California native plants. The vast majority of the proposed plants are from all over the world. While the padres were known to have brought in several non-native plant species, like the Brazilian pepper tree,

E-6

these non-natives would only have represented a very small percentage of plants around such a mission site.

↑ E-6
| Cont.

Air Quality

- Analysis is not properly conditioned to reflect project phasing

The analysis of air quality construction impacts seems to have assumed that project phasing will occur per description in the DEIR, but there are no conditions that limit the amount of construction that can occur at any one time so that the identified thresholds would not be exceeded. There needs to be a project condition that limits construction consistent with the planned phasing, or construction impacts need to be revised to reflect an accurate worst case scenario.

| E-7

Biological Resources

- Improper conclusion that land is disturbed rather than non-native grassland

The DEIR characterized the majority of the site as "disturbed" and therefore concludes that no mitigation is required. However the DEIR notes that the site had been recently disked prior to the on-site biological survey. It further noted the potential presence of grasses but the inability to accurately determine species because of this recent disking. We believe this site is more accurately characterized as "non-native grassland" and as such mitigation would be required at a .5:1 ratio for any impacts. We have walked the site and observed signs of rodent burrows which would indicate this is a location that could be used for raptor forage- one of the key determinants as to whether this is properly characterized as non-native grassland or disturbed.

Furthermore Volume II of the Final MHCP Plan Biological Analysis and Permitting Conditions specifies assumed grassland conservation levels by community. Per Table 3-10 it is assumed that 55% of grassland acres will be preserved in Oceanside within the FPA. However since March 2003 when this was issued there has been no analysis of cumulative impacts to grasslands or any determination that such rates of preservation have been achieved. It must therefore be assumed that there could be adverse impacts that have not been properly identified or mitigated. If such protection has not occurred within the FPA, then impacts like those from this project could be significant.

| E-8

Green House Gasses

- Project level significance threshold is arbitrary and inaccurate

CEQA compliance requires more than a methodology to assess GHG- it requires achievement of a threshold that is relevant for the project location and conditions. The DEIR is using a threshold of significance that we have not seen used for any other project in Oceanside, that uses inaccurate baseline conditions, that ignores the actual inventory of GHG done by the City of Oceanside, that ignores other relevant regional thresholds and that grossly underestimates the existing conditions and fails to properly identify project specific and cumulative impacts or provide mitigation as is required.

| E-9

The DEIR has not provided sufficient information to determine baseline conditions. As discussed under land use it is not known what the actual intensity of land use is in the existing GP or what was used for the baseline land use in the CARB scoping plan. How many residential units are in the baseline? How many units are added and how much more GHG would be added with these additional units? All of this increase in GHG is above the BAU which was used as the baseline. In fact the baseline should have been a substantially lower number of units. Consequently the GHG would have had a substantial increase above BAU, not the 16% reduction that is claimed.

E-10

The baseline used to project GHG emissions should be the existing GP project- that is presumably what was included in the CARB analysis. In other places in the DEIR this is stated as 87 single family residential units. The GHG analysis should use 87 units as the baseline and then compute the GHG emissions for the proposed project of 420 units, apply any substantiated GHG reductions and then compute the difference in GHG emissions between the 87 units and the 420 units that are proposed. Such a computation would show that the proposed project will in fact result in a substantial increase in GHG above what is allowed. Therefore there is a significant adverse impact from project level emissions.

E-11

Another example of the inaccuracy of the baseline is how vehicle traffic was computed. The DEIR says 3,284 trips per day are assumed and low carbon fuel will reduce these emissions by 10%. It fails to note that the number of trips for the existing land use were only 900 per day (per the traffic analysis table 4.14-15). The net increase of 2,384 trips will more than double the transportation related GHG emissions – they will not reduce GHG by 10% as is claimed.

E-12

Appendix F page 28 describes a process used to determine the city of Oceanside threshold of significance. We have never seen the city of Oceanside formally adopt any such threshold of significance so what exactly is the basis for this statement? We have seen other project EIR's in Oceanside use a project level analysis of impacts based on what is done by the county of San Diego, ie a threshold of 900 MT CO2/YR defining the limit at which more extensive analysis/action is required. This project exceeds that threshold. We have not seen any other project in Oceanside use the method proposed with this project (16 % below BAU). Such a method would only be appropriate if the sources of GHG for the city of Oceanside paralleled those for the state as shown on the 2012 CARB statewide GHG sources by category. These sources are not consistent for each area of the state. In fact there are wide variations even among the local jurisdictions in San Diego county as can be seen by looking at all of the GHG inventories done in about 2005 when regional funds were provided for local inventories. The DEIR incorrectly applies a statewide average to the local jurisdiction and assumes it is accurate for the city of Oceanside.

E-13

CEQA guidelines 15064.4 as cited in App F say that the local agency should select the threshold based on a good faith effort based on scientific and factual data. It further states that the lead agency can select the model to use and “explain the limitations of the particular model or methodology selected for use....” The city of Oceanside has made no such selection of a model nor has the DEIR provided any explanation of the limitations of such a model. The analysis used in the DEIR is not consistent with the requirements of CEQA.

E-14

Furthermore the city of Oceanside completed a city specific GHG inventory several years ago and is in the process of updating that information. None of that local information was used in this analysis. Instead it relied on statewide averages, which are not consistent with the actual results in Oceanside. The project level impacts and assessment as to whether they have been adequately reduced needs to be based on relevant, local information.

E-15

Furthermore page 29 of Appendix F states that this methodology is used by "various other jurisdictions throughout San Diego County". We are not aware of one other jurisdiction in San Diego County that used this method to determine the threshold of significance- 16% below the statewide emissions BAU. Please provide a list of the jurisdictions that have used this methodology.

E-16

What we have seen is that other local jurisdictions have used local inventories to determine their specific GHG emissions, applied projected reductions based on state actions, and then identified a gap in emission reductions that the local jurisdiction must achieve in order to meet the emission reductions of AB 32 and EO S-3-05. These additional actions are then described in a local Climate Action Plan which is mitigation for the projected GHG emissions increase associated with growth. (For examples of this look at the adopted CAPs for the cities of Chula Vista, Encinitas, Vista and San Marcos, or the draft for the City of San Diego.) They clearly state that the CAP is mitigation for significant cumulative adverse impacts from GHG. The DEIR has failed to explain how Oceanside can come to a completely different conclusion that there are no adverse impacts from GHG and no mitigation is required when all of these other jurisdictions have reached a contrary conclusion.

E-17

- Analysis only extends to 2020- not 2050 per Executive Order S-3-05

The analysis concludes no impacts because the GHG are 16% below BAU by 2020. But state law establishes thresholds for both 2020 and 2050. There is no discussion about how the further GHG reductions required by 2050 can be achieved. *Instead the DEIR says that the CARB scoping plan "created a framework for ongoing climate action that can be built on ... beyond 2020."* GHG measures must be measurable and enforceable- not just a "framework" that can be "built upon". The DEIR has failed to demonstrate that the state required 2050 GHG reduction thresholds will be met or how any reductions past 2020 will be achieved.

E-18

- The analysis of cumulative impacts is inadequate

The DEIR has made a completely unsupported claim that the project causes no significant cumulative GHG impacts. There is a regionally established threshold which was adopted by SANDAG and is incorporated into the 2050 RTP and Sustainable Communities Strategy (SCS). The EIR for these documents included numerous mitigation measures- many of which rely on local jurisdictions to comply with guidelines included in the SCS. Numerous mitigation measures for this regional EIR state that SANDAG "shall" and local agencies "should" comply. None of these local actions have been considered with this project. Furthermore this regional EIR was challenged in court, lost, was appealed and again lost. The appellate court determined that even if implemented the measures included in the SCS/RTP would not meet state requirements for reducing cumulative GHG. Recently the Supreme Court of the state of California agreed to hear this issue which is not

E-19

anticipated to be resolved for another year. Oceanside has taken no action to comply with these strategies in the regional SCS, nor has it adopted a local Climate Action Plan (CAP). In the absence of such actions or a CAP that assures cumulative GHG impacts have been addressed, any project that increases GHG is adding to such adverse cumulative impacts.

E-19
Cont..

Hydrology

- The DEIR proposes to use outdated permit requirements

An updated permit based on the new watershed approach to improving water quality has been in process for over one year with final expected to be issued in June 2015. In spite of this the DEIR assumes the soon to be outdated RWQCB permit R9-2007-0001 is all that is required. The permit in effect at the time a permit would actually be issued for this project is what must be complied with. This is likely to be the new WQIP permit. The project should be conditioned to comply with the most current permit requirements at the time such a permit is issued for the project.

E-20

Traffic

- No assurances that mitigation in place at the time of impact

Several of the proposed mitigation measures are to contribute 'fair share' cost toward the completion of a future project that would reduce the identified failures below the threshold of significance. Oceanside has a long history of proposing such mitigation- and of not actually completing the projects for which funds are collected. This results in substantial adverse traffic impacts that have not been mitigated. Requiring funding is not the same thing as actually mitigating for the traffic failures. The DEIR should identify the number of units that can be built without triggering traffic failures. Any further unit construction beyond that limit must be contingent upon the actual construction of the specified traffic mitigation measure.

E-21

- Inadequate analysis of alternative transportation measures

The DEIR states that there is sufficient alternative transportation because a busstop "is within walking or biking distance to busstop served by NCTD." And that there are plans for a future San Luis Rey transit center that the project will not adversely impact. This is a completely inadequate analysis of any mode of transportation other than automobiles and is not consistent with the changes made to the CEQA checklist by the Attorney General to assure that projects like this are well served by multiple modes and not just cars. The DEIR should provide a comprehensive analysis of alternative transportation that shows both internal circulation through the project site and connections outside the project boundaries. What nearby streets have designated bike paths- existing or planned? How far is it to existing transit stops and is this actually within what is considered a reasonable walking or biking distance? The DEIR says there is an alternative design for Academy Road that includes a Class II bike lane- But Figure 3-9 does not show that alternative nor what it would connect to.

E-22

The project description talks about the pedestrian paseo but it appears each section of the paseo is constructed in phases. That does not support pedestrian movement through and outside of the project until all segments are built- which could be many years from project initiation.

E-23

- Inaccurate description of 2030 With and Without Project

Some baseline conditions assumed with the Circulation Element are no longer approved. For example, by City Council action the CE is to be revised to eliminate the extension of Melrose between Spur and N. Santa Fe yet this segment is included.

E-24

Table 4.14-15 compares the existing GP to the project to identify the net increase in ADT. However the total number of residential units shown on the table is 90 existing SFR plus 223 condos for a total of 313 units- not the 420 actually included in the project.

Alternatives Analysis

- No analysis of existing GP as an alternative

The CEQA process supports providing a reasonable range of alternatives to support informed decision making. The DEIR has not included an analysis of a project consistent with the existing GP, one with Private Institutional land uses on the western portion of the site and 87 single family homes as is allowed on the eastern portion. Failure to include this as an alternative provides incomplete information and is not consistent with the intent of the CEQA process.

E-25

- Biased assumptions about reduced density alternative

It is not clear how 147 units were determined as the basis for this alternative. It appears that the allowed single family density on the eastern part of the site was applied to the entire site. It was also assumed that reduced density also is achieved with a single housing type across the entire project, with an even distribution over the entire site. This way of defining the alternative results in failing to meet several of the project objectives or reduce the differential impacts of this alternative and the preferred project. A fair alternative would have considered how such reduced density could better meet project objectives and reduce impacts. For example this might have included a better project mix resulting in a smaller footprint and improved scenic views.

E-26

This alternative assumes to have used the density currently allowed on the eastern part of the site and used it for the entire site. This alternative also assumes that essentially none of the public benefit improvements would be provided with the reduced density alternative. Since even the reduced density alternative is proposing an amendment to the adopted GP the city has discretion in requiring offsetting public benefits. Assuming that none would be required artificially makes this alternative less attractive. A more objective comparison would assume at least proportionate public benefits and the full alternative transportation system and aesthetic improvements would be required.

E-27

Cumulative Impacts

- inconsistent method used to evaluate cumulative impacts

In this section of the DEIR the project chooses to use providing a project list to assess cumulative impacts. The basis for selecting the list is not specified and has not been done consistently. For example if it is supposed to be based on adopted plans then El Corazon should include all phases including the 300 residential units. If project list is based on projects in process then El Corazon should have included the Stirling/Shopff proposal for 80 condos at El Corazon that has been formally submitted and is currently in process. The DEIR has failed to apply a consistent basis for what projects are being considered.

E-28

Furthermore in the section on traffic the projected traffic for 2030 buildout is not the same as what was used in the section on cumulative impacts. In the traffic section the analysis includes all regional projected changes as part of baseline conditions as is shown in the SANDAG Series 11 model. In the cumulative impact analysis only the defined list of projects are included. One method is being used for traffic and another is being used for the rest of the cumulative impacts.

E-29

- Water

The description of water supply assumes this is adequate because the city prepared the state required UWMP in 2011. However at the time the UWMP was prepared the long term nature of the current drought, combined with further projected water shortages across the state of California and entire western US was not known. Furthermore since adoption of the UWMP there have already been numerous changes made to the General Plan. The GP itself is an out of date document that is past the time the state recommends updates (about every 20 years). It is no longer clear what the actual projected city wide population is anticipated at buildout and whether the plan for water and other basic utilities still is consistent with this unknown future condition or that it reflects changing circumstances such as the impact of the drought. A very likely condition is that many more people will need to be using much less water. These conditions have not been reflected in any local long term plans. The result is that the DEIR has not provided a reasonable evaluation of such future cumulative impacts.

E-30

Furthermore the landscaping plan fails to show what efforts have been made to reduce water use or that this has even been a consideration in project planning.

E-31

For all of these reasons we find the DEIR has failed to adequately identify and/or mitigate numerous potential significant adverse impacts associated with this project.

E-32

Sincerely,

Diane Nygaard
On Behalf of Preserve Calavera

Att:
Email of March 18, 2015 from D Nygaard to Russ Cunningham

Response to Comment Letter E

Preserve Calavera
Diane Nygaard
March 31, 2015

E-1 Comment noted.

E-2 Please refer to Responses to Comments D-2, D-5, D-6, and D-7 for information about the DEIR's discussion of existing and proposed land use designations. In particular, please see DEIR Table 4.9-1 and Figure 4.9-2 for a comparison of existing and proposed land uses and zoning for the project site. As discussed in Response to Comment D-2, a comparison of the proposed project against existing environmental conditions, not uses theoretically permitted under existing zoning, is relevant for purposes of CEQA. (CEQA Guidelines, §15125(a). Indeed, CEQA does not allow an analysis comparing the proposed project against a hypothetical baseline based on uses that *could* be developed under applicable land use designations as the commenter suggests. (*Woodward Park Homeowners Ass'n v City of Fresno* (2007) 150 CA4th 683, 707 [invalidating impact analysis based on development permitted under applicable zoning or land use plans rather than existing conditions]; see also *Communities for a Better Env't v South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal. 4th 310, 322) In any event, the DEIR's discussion of existing and proposed land uses is consistent and provides adequate information

Regarding Table 4.14-15, as stated in Section 4.14, Traffic and Circulation of the DEIR, “[t]he SANDAG traffic model used in the 2030 Master Transportation Roadway Plan for the City of Oceanside, which is the basis of the Buildout (Year 2030) General Plan Land Use conditions, only accounted for the portion of the project site zoned for single family residential.” (DEIR, p. 4.14-38.) The analysis acknowledged, however, that the area west of Academy Road is planned for church-related uses. If traffic associated with such church-related uses were reflected on Table 4.14-15, it would have reduced the net increase of trips associated with the proposed project in Buildout (2030) by the number of trips associated with such church uses. As the western portion of the project site subject to the PI designation is approximately 17-acres (DEIR, Table 4.9-1) and the trip generation rate associated with churches is only approximately 30 trips per acre, the Table 4.14-15 underrepresented the General Plan Buildout (2030) scenario by approximately 510 ADT. The failure to account for church related uses under existing land use designations in the Buildout (2030) scenario resulted in an overstatement of the proposed project's traffic impact that does not undermine the informational value of the DEIR.

Please refer to Response to Comment E-25 below for a discussion about the evaluation alternative projects that are consistent the existing General Plan.

A timely response to the comment letter dated March 18, 2015 is provided in Response to Comment D above. (CEQA Guidelines, §15088(a), 15132(d) [requiring responses to comments raising significant environmental responses in final EIR].)

E-3 The project is not requesting a density bonus through qualification as a transit oriented development. Rather, the project proposes a General Plan Amendment and Zoning Amendment to authorize 420 units at he project site. A density bonus would be a different project, which is not analyzed as part of the DEIR.

E-4 The location of the 1 acre community at the southwest corner of the project site was chosen for several specific reasons: (1) the park would be open to the public and adjacency to Mission Avenue and the proposed bus stop would provide direct access to the public without potentially requiring park-goers to travel through private residential areas, and (2) the size and location provides additional setback and buffer from Mission Avenue and the western Parish property, (3) help to implement the circulation elements in the Mission San Luis Rey Historic Design Guidelines including safe efficient and effective pedestrian transportation through the Historic area and off road paths and bikes systems for pedestrians and bicyclists (4) Sensitivity to the adjacent historic and archeological resources found on the Mission and Parish properties.

The commenter is correct in stating that the 1 acre community park is planned for construction in Phase 4, after development of residential units would have already begun throughout the Planning Areas. However, during prior planned construction phases, the private common areas and recreational facilities would be constructed to provide open space amenities to residents as the project is being built out. As described in DEIR sections 4.12.4.A.iv and 4.13.4.A, the proposed project would provide at least one common active recreation area of at least 6,000 square feet in Planning Area 1; a primary recreation area of approximately 16,000 square feet in Planning Area 3 which will include a gathering space and community pool; and, in addition to the 1-acre community park, Planning Area 4 will also include a minimum 6,000 square feet active recreation area. In addition, the project will pay the City parkland dedication impact fees to ensure service ratios of park space remains adequate within the City. Through the payment of parkland impact fees and phased development of smaller recreation areas, deferring development of the community park until Phase 4 does not result in significant environmental park impacts. There is no legal requirement for the park to be constructed in Phase 1.

E-5 It is unclear to which two scenic areas the commenter is referring to as Section 3.21 of the Land Use Element does not identify any specific scenic areas. The project site itself is not considered scenic as it does not possess any significant visual resources. The Mission San Luis Rey Historic Area Development Program and Design Guidelines identify two viewpoints: (1) an open knoll high point just northeast of the Mission on the Mission grounds, and (2) San Miguel Court, approximately a half mile south of the Mission grounds and south of SR-76. The visual impacts to these two viewpoints are discussed in Section 4.1.5, Threshold A. These views are considered open and scenic for their views of the Mission and distant mountains. Development of the project would not impede views of either the Mission, which is considered an important visual resource, or long distance views of mountain ranges.

It is acknowledged in the DEIR that the proposed project would result in a high visual change to several existing views as the proposed landscaping and structures would add a bulk, scale, and massing that is not present in the existing view conditions. However, the proposed project would not obstruct views to important visual resources, would introduce aesthetically cohesive plantings, structures, and roadway improvements when compared to the existing visual environment, and would complement the historic area. The project incorporates an architectural style and landscaping plan that would complement the theme of the Historic Area through use of Early California/Mission, Spanish Ranch, Monterey, and Irving Gill styles and plant species that fit the historic theme, such as the California Pepper Tree. As demonstrated in Section 4.1.5, the project would have less than significant aesthetics impacts, including less than significant impacts at the two panoramic viewpoints identified above.

E-6 The plant palette shown on Table 3-4 of the DEIR was selected to reflect the landscape plant palette in the Mission San Luis Rey Historic Area Development Program and Design Guidelines (page 3-28 of the Design Guidelines). Many of the plants selected for the proposed project are listed in the Mission San Luis Rey Historic Area Development Program and Design Guidelines and have been further refined for their drought tolerance.

E-7 The air quality analysis presented in Section 4.2 of the DEIR and in the Air Quality Technical Report (Appendix B of the DEIR) reflects conceptual construction phasing based upon available information known at this time and represents a reasonable assumption concerning the project development schedules. No condition of approval or other restriction on the schedule of development is necessary, however, to avoid significant air quality impacts. The DEIR analysis assumes that construction will occur over a four year period, but even if all construction activities proceeded

concurrently, construction emissions would not exceed applicable thresholds of significance. Table 4.2-6 identifies the construction emissions that would occur in each of years 2015 through 2019. If the emissions for each pollutant are summed such that all emissions occur at one time, construction emissions would continue to be less than significant, as illustrated below.

**Summed Maximum Daily Construction
Emissions for Single Phase Development (pounds/day)**

Pollutant	Summed Emissions for Single Phase Development	Emissions Threshold	Threshold Exceeded
VOC	121	137	No
NO _x	190	250	No
CO	144	550	No
SO _x	0.27	250	No
PM ₁₀	23.56	100	No
PM _{2.5}	15.16	55	No

Source: Dudek 2014. See Appendix A of the air quality report for complete results (air quality report found in Appendix B of this EIR).

E-8

Per the following Multi-Habitat Conservation Plan definitions, the project site is correctly categorized in the DEIR as “disturbed land.” Historical data demonstrates this land has been disked and farmed for human use, a definition of disturbed land. The land was not observed to be actively farmed as the time of the site visit, thus it would not be mapped as agriculture. The project site also has Russian thistle and minimal vegetation cover of well below ten percent of the surface area, both of which are indications of disturbance. The vegetation mapping depicted in the City of Oceanside Draft Subarea Plan (2010) is in agreement with the Biological Technical Report mapping and shows the site mapping as disturbed land (Figure 3-1 of the Subarea Plan). The following are the definitions of disturbed land and annual non-native grassland from the Multi-Habitat Conservation Plan (Volume II):

“Disturbed land includes areas in which the vegetative cover comprises less than 10 percent of the surface area (disregarding natural rock outcrops) and where there is evidence of soil surface disturbance and compaction (e.g., grading); or where the vegetative cover is greater than 10 percent, there is soil surface disturbance and compaction, and the presence of building foundations and debris (e.g., irrigation piping, fencing, old wells, abandoned farming or mining equipment) resulting from legal activities (as opposed to illegal dumping). Vegetation on disturbed land (if present) will have a high predominance of nonnative, weedy species that are indicators of surface disturbance and soil compaction, such as Russian thistle (*Salsola tragus*), telegraph weed (*Heterotheca grandiflora*), horehound (*Marrubium vulgare*),

and sow-thistle (*Sonchus oleraceus*). Although nonnative grasses may be present on disturbed land, they do not dominate the vegetative cover and therefore it would not be proper protocol to classify them as annual nonnative grassland. Examples of disturbed land include recently graded firebreaks, graded construction pads, construction staging areas, off-road vehicle trails, and old homesites.

Annual (Nonnative) Grassland is a mixture of annual grasses and broad-leaved, herbaceous species. Annual species comprise from 50 percent to more than 90 percent of the vegetative cover, and most annuals are nonnative species. Nonnative grasses typically comprise at least 30 percent of the vegetation, although this number can be much higher in some years and lower in others, depending on land use and climatic conditions. Usually, the annual grasses are less than 1 m (3 ft) in height, and form a continuous or open cover. Emergent shrubs and trees may be present, but do not comprise more than 15 percent of the total vegetative cover. Characteristic annual grassland species include foxtail chess (*Bromus madritensis* ssp. *rubens*), ripgut grass (*Bromus diandrus*), wild oats (*Avena* spp.), fescues (*Vulpia* spp.), red-stem filaree (*Erodium cicutarium*), mustards (*Brassica* spp.), lupines (*Lupinus* spp.), and goldfields (*Lasthenia* spp.), among others.”

Thus, based on the definitions of these vegetation communities, the best fit for categorizing the subject property is as disturbed land. In support of the mapping based on the visit to the site, the site conditions based on review of historical aerial photographs also were reviewed. Based on the review of the past years of aerial photographs, it was also determined that the project site has been previously disturbed. No candidate, sensitive or special status plants or candidate, sensitive or special status wildlife occurred on the site at the time of the biological surveys. As the project site is currently disturbed, no impacts would occur with respect to loss of non-native grasslands or wildlife, aside from those impacts already identified and mitigated in DEIR sections 4.3.4 and 4.3.5. Due to the fact that the project site has been disked and plowed in the past and is located in an urbanized area, no additional biological mitigation measures are necessary.

Per Table 3-10 in the Final MHCP Plan Biological Analysis and Permitting Conditions, only 33% of grassland acres in Oceanside must be preserved within the Focused Planning Area (FPA), and there is no conservation requirement outside of the FPA. As described in Section 5.4.3, the project will be subject to the Oceanside Subarea Plan and its biological impact mitigation requirements. This project, as well as the identified cumulative projects, will be subject to the same conservation requirements of the Oceanside Subarea Plan and will adequately mitigate for impacts to non-native grasslands.

- E-9** Please refer to Comment D-7 for an explanation of the methodology and threshold of significance applicable to the project’s analysis of GHG impacts. As set forth in CEQA Guidelines, §15064.4(a), the City has broad discretion to select the appropriate methodology for analyzing GHG impacts, and substantial evidence supports the adequacy of the BAU methodology adopted by City for the project. (See Response to Comment D-7.) Contrary to the commenter’s statement, and as explained in Comment D-7 above, the BAU analysis is an analysis comparing the project to existing baseline conditions (zero as the project site is undeveloped). The commenter suggests that alternative methodologies exist for evaluating GHG emissions, but fails to identify what those are or any substantial evidence demonstrating that consideration of other methodologies is required to adequately evaluate the project’s GHG impacts. The comment also makes reference to an “actual inventory of GHG done by the City of Oceanside.” However, the City has not completed an inventory of City GHG emissions and even if it had, that inventory would not inform evaluation pursuant to the threshold of significance that has been adopted for the project. The threshold of significance adopted for the project is whether or not the project interferes with the State’s achievement of GHG reduction goals set forth in AB 32. The experts at CARB and CAPCOA have endorsed a BAU analysis for evaluating that impact. The merits of the project relative to any local GHG inventory is not relevant to that inquiry. In *CREED v. City of Chula Vista*, the court rejected claims by a project opponent that the City was required to use a local GHG inventory or other evaluation method that the project opponent believed were more appropriate.
- E-10** Please refer to Response to Comment D-7 which explains that the baseline GHG emissions for the project is zero. The comment suggests that baseline emissions should be based upon theoretical emissions for a hypothetical project that could be developed under existing Zoning or General Plan designations. Such an approach would violate CEQA’s requirement that baseline conditions be based upon existing physical conditions. (CEQA Guidelines, §15125(a).) The CARB Scoping Plan is not premised upon development being in conformance with particular land use designations.
- E-11** Please refer to Response to Comment E-10.
- E-12** Consistent with the analysis above, the project’s GHG reductions relating to traffic are not based upon ADT allowed for land uses permitted by the current land use designations. The existing vacant land has zero GHG emissions and zero ADTs. Instead, the BAU analysis shows that the mitigated emissions of the project are not significant because when combined with all the other mitigated emissions the project has 4,860 MT CO₂E, which is an increase over the zero exiting emissions, but not a significant increase because it is still at least 16% less than the unmitigated BAU

condition of 5,860 MT CO₂E. The City is properly relying on this methodology supported by air quality experts and judicial rulings in the Fourth Appellate District Court of Appeals.

E-13 Please see Response to Comments D-7 and E-9 for substantial evidence in support of the City's threshold of significance based upon the project's interference with the State's achievement of GHG emissions reduction targets. The commenter disagrees with the City's methodology and adopted threshold of significance, but does not present substantial evidence indicating the adopted approach is illegal. The City acknowledges that other projects, including in the County, may utilize a threshold of significance based on 900 MT CO₂/YR. The City is permitted to select its own threshold of significance "it determines applies to the project." It should be noted for information purposes that the County's use of 900 MT as a threshold of significance is a screening threshold. It is the City's understanding that in the County, Project's that generate fewer than 900 MT are deemed to have a less than significant impact. Projects that generate more than 900 MT, but still mitigate GHG emissions below 16% of BAU are also considered to have a less than significant impact. Being below 900 MT only avoids the need for a BAU analysis in the County; it does not necessarily mean a project's GHG emissions are significant. A copy of the County's 2015 GHG Guidance, Recommended Approach to Addressing Climate Change in CEQA Documents [County of San Diego Planning and Development Services, January 21, 2015 [hereafter "2015 GHG Guidance"] is attached hereto and incorporated herein.

E-14 The comment mischaracterizes the "requirements" of CEQA Guideline 15064.4(a) as mandating that the City of Oceanside officially select a model or methodology for use on all projects and explain the limitations of such models and methodologies. What CEQA Guidelines 15064.4(a) states is that "A lead agency shall have discretion to determine, *in the context of a particular project*, whether to..." The phrase "in the context of a particular project" demonstrates that the City of Oceanside is not in violation of CEQA because it has not made an official selection of a GHG model or methodology for all projects in the City. As described in the DEIR, in the context of this particular project, the City has selected the BAU methodology and uses the California Emissions Estimator Model (Cal EEMod) Version 20013.2.2 as its modeling tool. Please see Response to Comment D-7 for further explanation.

Furthermore, CEQA Guidelines 15064.4(a) states that "The lead agency *should* explain the limitation of the particular model or methodology selected for use." The word "should" is permissive. If the CEQA Guidelines wanted to mandate a discussion of the limitations of the model or methodology, then it could have used the word

“shall” as it does elsewhere in CEQA Guidelines 15064.4(a), when it states that the lead agency shall have discretion to determine what model or methodology to use.

E-15 See Response to Comments D-7 and E-9 through E-14. GHG impacts are not localized and therefore do not have to be evaluated according to local emissions inventories. As discussed above, the applicable threshold of significance is whether the Project interferes with the State’s achievement of GHG reduction targets. As such, statewide averages are an appropriate metric to consider. GHG impacts are inherently global, not local. Note also that the City has not adopted a GHG inventory.

E-16 Several other jurisdictions within the region utilize or have utilized a BAU methodology to evaluate project GHG emissions including the City of San Diego, City of Chula Vista and the County of San Diego. As noted in Response to Comment D-7, CARB, CAPCOA and our local court of appeal have also endorsed the BAU analysis. See *CREED v. City of Chula Vista*; CEQA and Climate Change at pp. 54, Table 4 (CAPCOA 2008); 2015 GHG Guidance.

E-17 This comment refers to the GHG analyses that are performed in jurisdictions that have adopted a climate action plan (“CAP”). Pursuant to CEQA Guidelines section 15183.5, a tiered CEQA analysis may be available where a local agency has approved a CAP. The City of Oceanside has not adopted a CAP. Therefore, the analysis based upon a CAP is irrelevant to the project.

E-18 This comment presumably refers to the target identified in Executive Order S-03-05 of reducing statewide GHG emissions to 80% below 1990 levels by 2050. As set forth in the Updated Greenhouse Gas Emissions Analysis prepared dated May 2015 prepared by Dudek, a copy of which is attached hereto, the project does not interfere with the State’s goal of reducing GHG emissions to 80% below 1990 levels by 2050, and therefore does not have a significant environmental impact in this regard. Indeed, the First Update to the Climate Change Scoping Plan dated May 2014 acknowledges “California is on track to meet the near-term 2020 greenhouse gas limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32.” (see First Update to Scoping Plan, p. ES2.) With regard to the 2050 target for reducing GHG emissions to 80 percent below 1990 levels, the First Update to the Climate Change Scoping Plan states:

This level of reduction is achievable in California. In fact, if California realizes the expected benefits of existing policy goals (such as 12,000 megawatts [MW] of renewable distributed generation by 2020, net zero energy homes after 2020, existing building retrofits under AB 758, and

others) it could reduce emissions by 2030 to levels squarely in line with those needed in the developed world and to stay on track to reduce emissions to 80 percent below 1990 levels by 2050. Additional measures, including locally driven measures and those necessary to meet federal air quality standards in 2032, could lead to even greater emission reductions.

(First Update to the Climate Change Scoping Plan dated May 2014, p. 34.)

The project does not interfere with implementation of any of the above-described GHG reduction goals for 2050. The project does not interfere with the state's goal to install 12,000 MW of renewable distributed generation systems by 2020. Indeed, the project could even facilitate installation of distributed generation systems on project rooftops for interested buyers. Existing policies and regulations also encourage rooftop solar systems, such as government sponsored programs that offer financial incentives for installation of solar systems (e.g., PACE) and The Solar Shade Control Act (Pub. Resources Code, § 2590, *et seq.*) that protects solar systems from the interference of trees and shrubs. Programs such as PACE allow for property owners to distribute the cost of renewable energy systems and other energy efficiency upgrades by adding the cost to the property's tax bill for up to 20 years. The installation of rooftop solar systems is becoming increasingly common in our region and with costs of solar system installation trending down, it is reasonable to assume that the number of solar systems on California homes will continue to increase². In other words, substantial evidence demonstrates that the project will not interfere with the State's goal of having 12,000 MW of renewable distributed generation by.

Likewise, the project does not interfere with the ability of the California Building Commission to mandate constructing net-zero energy homes after 2020. The DEIR indicates that build out of the project will be complete in 2019. As such, the project will not interfere with the state's ability to mandate net-zero energy homes on new construction after 2020. If project construction is delayed a few years, then the project is legally required to construct homes in conformance with whatever California Building Commission mandates are in effect at that time.

The project does not interfere with the state's implementation of building retrofits to further energy efficiency for existing buildings under AB 758 either. AB 758, the Comprehensive Energy Efficiency in Existing Buildings Law, tasked the California Energy Commission ("CEC") with developing and implementing a comprehensive program to increase energy efficiency in existing residential and nonresidential

² Environment California Research and Policy Center. 2014. "Shining Cities: At the Forefront of America's Solar Energy Revolution." April 2014.

buildings that “fall significantly below the current standards in Title 24.” (Pub. Resources Code, § 25943(a)(1).) Approximately 50% of existing residential and nonresidential buildings in California were constructed before California Building Energy Efficiency Standards went into effect in 1978. (CEC, Existing Buildings Energy Efficiency Action Plan (March 10, 2015) (hereafter *Draft AB 758 Plan*), Ch. 1, p. 5 [also noting that existing buildings represent 20% of all GHG emissions].) Other buildings constructed after 1978 also fall below current Title 24 standards and present significant opportunities for energy efficiency improvements. (*Id.*) Pursuant to AB 758, the CEC is in the process of developing an Existing Building Energy Efficiency Action Plan that identifies strategies to encourage energy efficient renovations for such existing commercial, residential and publicly owned buildings. Strategies being considered include making information about a building’s energy efficiency more readily available, educating the public about the cost benefit of energy upgrades, making attractive financing more readily available, educating the public and contractors about available energy upgrades and code compliance requirements, and educating a work force capable of implementing energy upgrades. (*Id.* at Ch. 4, pp. 91-102.) The project will be constructed in compliance with current Title 24 standards and therefore will not interfere with CEC or other initiatives implemented to increase energy efficiency and reduce GHG emissions associated with existing buildings that do not adhere to Title 24 standards.

Finally, the commenter is not correct that the DEIR must demonstrate that the State required 2050 GHG reduction thresholds must be met and how any reductions past 2020³ will be achieved. In *Cleveland National Forest Foundation v. SANDAG* (a copy of which is attached), the Fourth Appellate District Court of Appeal opinion stated “[w]e do not intend to suggest the transportation plan must achieve the Executive Order’s 2050 goal or any other specific numerical goal . . . the EIR does not even discuss the transportation plan’s failure to maintain emissions reductions after 2020, which is AB 32’s minimum expectation.” Consistent with the guidance provided in this decision, the project maintains emissions reductions after 2020, thus

³ On April 29, 2015, Governor Brown issued Executive Order B-30-15 expressing a goal of reducing GHG emissions to 40% below 1990 levels by 2030 (“Interim 2030 Reduction Target”). This new Interim 2030 Reduction Target was announced “to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.” As discussed above, CARB indicated in the Updated Scoping Plan that the State’s existing policy goals “could reduce emissions by 2030 to levels squarely in line with those needed” to achieve the 2050 goal. (Updated Scoping Plan, p. 34.) The Project does not interfere with the State’s policy goals and therefore will not interfere with the state’s achievement of the Interim 2030 Reduction Target. It also bears noting that the Interim 2030 Reduction Target is an executive order that has not been subsequently validated by a statute as an official GHG reduction target of the State of California. Nevertheless, it is clear that implementation of the Project will not interfere with the State’s achievement of the Interim 2030 Reduction Target and thus, the Project does not have a significant impact with regard to the Interim 2030 Reduction Target.

meeting AB 32 and Executive Order S-3-05's minimum expectations, but does not achieve a specific numeric goal.

Dudek modeling demonstrates that after 2020, the project's GHG emissions of 4,860 MT CO₂E per year emissions will continue to decrease (see Table 4.6-5 in Section 3.6 of the DEIR). . The model correctly discloses the reasonable assumption that more and more homeowners will decide to install solar and drive more fuel efficient vehicles, based on the historic trends for solar use in our region and historic trends in vehicle fuel efficiency⁴.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~ underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

E-19 GHG analyses are inherently cumulative in nature because climate change is not the result of any one project but of GHG emissions generated globally over many decades by a vast number of different sources. (Intergovernmental Panel on Climate Change (IPCC), *Understanding and Attributing Climate Change* (2007) (available on the IPCC website); *Center for Biological Diversity v. National Highway Traffic Safety Admin.* (9th Cir 2008) 538 F3d 1172.) As discussed above, the project's BAU analysis of GHG impacts demonstrates that it will not have significant cumulative GHG impacts under this accepted BAU methodology. The commenter's discussion about SANDAG's 2050 RTP and Sustainable Communities Strategy is not binding on the project; as the comment notes. SANDAG's plan is the subject of current litigation. As such, there is no requirement to evaluate the project for consistency with the SANDAG plan. Finally, as discussed in Response to Comment E-18, the project complies with the direction given by the majority opinion in that case (*Cleveland National Forest Foundation v. SANDAG*) so if the Supreme Court affirms it, there is no change needed in the project's GHG analysis. If the Supreme Court rules in favor of SANDAG, then the extra analysis in the EIR of impacts beyond 2020 is just helpful information.

E-20 This comment states that the project is required to comply with the new MS4 permit that was approved by the RWQCB pursuant to Order No. R9-2013-0001 on May 8, 2013 ("New MS4 Permit"). The New MS4 Permit allows the City to exempt projects from compliance with the New MS4 Permit if "prior lawful approvals" have been

⁴ CARB. 2015. EMFAC2014 emission model, Version 1.0.7. <http://www.arb.ca.gov/msei/categories.htm>

obtained prior to December 24, 2015 and instead apply previous land development requirements to such exempt projects. (MS4 Permit, §E.3.e.(1)(a) [p. 93].) If the proposed project secures project entitlements and a grading permit prior to the close of business on December 24, 2015, it will be considered to have “prior lawful approvals” and therefore be exempt from the New MS4 Permit. (DEIR, p. 4.8-6 to 4.8-7.) If the project does not secure such prior lawful approvals prior to December 24, 2015, and the pending San Luis Rey Watershed WQIP has been approved when project entitlements issue, then the project will be required to comply with the new MS4 permit. (*Id.*) Therefore, the project does not need a condition since it is already required to follow the legally applicable regulation.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

- E-21** The comment recommends a transportation phasing plan and more specific information on the amount of the fair share contribution the applicant is required to make in the Transportation Mitigation Measures identified in section 4.14.6 of the DEIR. The exact amount of the fair share contribution is not described in the Mitigation Measures identified in section 4.14.6 of the DEIR because under Oceanside Municipal Code Sections 32B and 32C, the project permittee (and all other residential and non-residential permittees) are required to pay whatever the transportation and public facility-related development impact fee amounts are in effect at the time they are issued building permits. OMC Section 32C.3 states, “Prior to the issuance of a building permit for new construction, including residential and non-residential development, on any property within the citywide area of benefit established pursuant to this chapter, the applicant for such permit shall pay or cause to be paid any fees established and apportioned pursuant to this chapter for the purpose of defraying the actual or estimated costs of constructing the city’s public facilities. The amount of such fee shall be fixed by resolution of the city council in accordance with the provisions of chapter 32B.” The fair share amount is also not identified because the amount depends on how many building permits are actually issued for the project. Appendix D of the Oceanside Development Processing Guide states that the current public facilities fee is \$2,072 per residential unit, the current traffic signal fee is \$15.71 per trip, and the current thoroughfare fee is \$255 per trip. The City updates the fees based upon cost estimates for transportation and public facilities included in the General Plan, the General Plan Circulation Element, and the City’s 5-year Capital

Improvement Plan (OMC Section 32C.2). The purpose of the public facility fee code is to implement City policies that new development, such as the proposed project, pay its fair share and that the community will “benefit from those facilities and services within a reasonable period of time after paying the fees. The improvements identified in the Transportation Mitigation Measures are either being constructed directly by the permittee, are in the General Plan Circulation Element or will be placed in the City’s 5-year Capital Improvement Plan.

The payment of fees are an acceptable form of mitigation under CEQA where there is evidence that a program is established that demonstrates that the fees contributed by the applicant will be used to mitigate the impacts from the project. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099, 1122; San Franciscans for Reasonable Growth v. City & County of San Francisco (1984) 151 Cal.App.3d 61, 79 [requirement that project sponsor pay unspecified amount of money at unspecified time and in compliance with unspecified transit funding mechanism was inadequate mitigation measure because it was impossible to evaluate its effectiveness].)

As provided in the Traffic Impact Analysis included as Appendix J of the DEIR, fair share payments would be calculated as follows using a regionally accepted standard:

$$\text{Fair Share \%} = \frac{\text{Project Traffic Volumes}}{\text{Buildout (With Project) Traffic Volumes} - \text{Existing Traffic Volumes}}$$

For intersections, the combined AM + PM peak hour volumes were used to calculate the fair share percentages, and for street segments, the ADT volumes were used.

Given the standards outlined above, the proposed traffic mitigation measures identified in Section 4.14.6 of the DEIR meet CEQA’s requirements. All traffic-related mitigation measures have been conditioned such that they are required to be constructed or fees paid prior to issuance of the first building permit. Additionally, the fees contributed by the applicant will be collected and used in accordance with the City’s established program for collecting impact fees on new residential development as identified in the City of Oceanside’s Development Processing Guide – Impact Fees for New Development and Oceanside Municipal Code chapters 32B and 32C.

Courts have clarified that a specific timetable for development of a public facility is not required for a public agency to conclude the payment of a fair share contribution mitigates an impact to below a level of significance, even if the public agency has a “bad history” of implementing road improvement. This issue was specifically addressed in Save our Peninsula Committee v. Monterey County Bd. of Supervisors (2001) 87 Cal. App. 4th 99. There the court confirmed that the “substantial evidence

rule does not require certainty” and held, “[w]e do not believe, however, that CEQA requires that the EIR set forth a time-specific schedule for the County to complete specified road improvements. All that is required by CEQA is that there be a reasonable plan for mitigation. Furthermore, we must presume and expect that the County will comply with its own ordinances, and spend the fees its collects on the appropriate improvements to the affected road segments.”

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

E-22 The commenter’s note of the changes to the CEQA Guidelines regarding alternative transportation do not apply to the proposed project as the changes in the Guidelines are not final and adopted. Under case law and the CEQA Guidelines, new CEQA provisions and new Guidelines are not retroactively applied to an agency’s compliance with CEQA unless the new provision specifically provides otherwise. (Residents Ad Hoc Stadium Comm. v. Board of Trustees (1979) 89 Cal.App.3d 274, 282. Fairness and the need for finality require that the propriety of agency action be determined under the regulations in effect on the date on which the EIR is presented for public review. (Long Beach Sav. & Loan Ass’n v. Long Beach Redev. Agency (1986) 188 Cal.App.3d 249, 261 n12.)

The Guidelines indicate that amendments to the Guidelines will be prospective, so that new requirements will be applied only to steps in the CEQA process that have not yet been undertaken. (Guidelines § 15007(b).) That means that a new Guideline amendment will apply to a CEQA document such as an EIR or a negative declaration only if the Guideline requirement is in effect on the date on which the document is sent out for public review. (Guidelines § 15007(c).) For instance, if an EIR meets the content requirements in effect on the date on which it is sent out for public review, the EIR need not be revised to conform to any new content requirements imposed by a Guideline amendment. Therefore, the project’s EIR properly analyzed the traffic requirements under the thresholds in effect the time the EIR was sent out for public review.

Existing CEQA Thresholds of Significance (Appendix G of the CEQA Guidelines) contain two threshold questions (thresholds A and B) related to alternative transportation which are listed in Section 4.14.4 of the DEIR. These two thresholds specifically ask whether a project would conflict with an applicable adopted plan,

policy, ordinance, or program regarding public transit, bicycles, or pedestrian facilities such that the effectiveness of these alternative modes of transportation would decrease. As discussed in Section 4.14 of the DEIR, implementation of the proposed project would not conflict with or impede the performance of any public transit, bicycle facility, or pedestrian facility.

The proposed project would improve the connectivity of public transit by providing a bus stop near the community park in addition to being within walking distance to existing bus North County Transit District stops 303, 309, 313, 333 and Riverside Transit Authority Route 202.. Additionally, the implementation of Pedestrian Priority Project #19 (as identified in the City's Pedestrian Master Plan of the General Plan Circulation Element) and improvements to the Mission Avenue frontage (refer to Section 3.3.3) would substantially improve pedestrian access within the project's vicinity and remove an existing gap in pedestrian access. Such improvements include the installation of a five-foot pedestrian sidewalk along Mission Avenue south of the project site, crosswalks, curb ramps, and relocation of obstacles. As stated in Chapter 3, Project Description, and shown on Figure 3-10, Academy Road would be improved to include Class II bicycle lanes in both directions; note that this design is not an alternative design.

Section 4.14.3 identifies existing Class II bike lanes along the major street segments within the study area except for three segments. As stated in Chapter 3, Project Description, and shown on Figure 3-10, Academy Road would be improved to include Class II bicycle lanes in both directions. Contrary to the commenter's note, this design is not an alternative design but rather a project design feature.

DEIR Section 3.3.3 analyzes the internal and external circulation plans as requested in Comment.

E-23 The comment is incorrect in stating that the Community Paseo would be built in phases. This is not stated within Chapter 3, Project Description, or in any section of the DEIR. As demonstrated in Section 3.3.3.4, Figure 3-14 and Figure 3-17, the Community Paseo is fully contained in Planning Area 4. At whatever phase the Community Paseo is constructed, it will not impact pedestrian movement as the Community Paseo will assist in movement between points of Planning Area 4, assistance which will not be needed until Planning Area 4 is constructed.

E-24 A land use plan is "applicable" when it has been adopted and the project is subject to it; and applicant is not required to review draft plans. (Pub. Res. Code § 21083.1; Chaparral Greens v. City of Chula Vista (1996) 50 Cal.App.4th 1134, 1145.)

Comment E-24 references amendments to the Circulation Element of the City's General Plan that have not yet been approved. Therefore, the EIR correctly analyzed the baseline conditions against the Circulation Element that is currently in effect.

The comment misstates the purpose of Table 4.14-15. Table 4.14-15 outlines the net increase in trips due to the proposed project in Buildout (Year 2030) as compared to the development of the project site with its existing land use designation. The 90 dwelling units referenced by Comment E-24 is the number of single-family residential units permitted by the current General Plan, not the number of single-family dwelling units proposed by the project.

Table 4.14-9 of the DEIR includes 420 units which would generate 3,284 average daily trips (ADT). Table 4.14-15 of the DEIR shows that the project results in 2,384 additional ADT above and beyond the 900 ADT already accounted for in the traffic model utilized in analyzing the Buildout (Year 2030) scenario. Adding the 900 ADT generated by the existing land use designation, which is already included in the traffic model, to the 2,384 additional ADT that would be generated by the proposed project, yields 3,284 ADT, which corresponds to a 420 unit project. Table 4.14-15 has been revised to more clearly show this distinction.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

E-25 As discussed in Section 9.3, Alternatives Considered But Rejected, of the DEIR, an Existing General Plan Land Use Designation Alternative was rejected from further consideration because it would fail to meet at least one fundamental project objective—creating flexibility in the plan to accommodate possible changes in the demand for housing, and because it is socially infeasible.

Nonetheless, in order to be responsive to the comment, the City has considered the potential environmental impacts associated with such an alternative. A potential Existing General Plan Land Use Designation Alternative would entail development of the project site under the current land use designations of the City's General Plan: Single Family Detached - Residential (SFD-R) on the portion east of Academy Road and Private Institutional (PI) on the portion west of Academy Road. This alternative would not require a General Plan or Zoning Amendment.

The PI land use designation on the western portion of the project site would allow for a wide range of uses, including schools, recreational facilities, hospitals, detention facilities, cemeteries, and lodging uses, but there have been no applications provided to the City to develop such uses. There was an application to develop a 59-bed drug and alcohol recovery center on a portion of the site, which is consistent with the zoning and General Plan Designation, but the City rejected that proposal in 2010 because it considered the use to be inconsistent with the surrounding residential environment and community character.

For the purposes of this response, the City considers an Existing General Plan Land Use Designation Alternative that contemplates development of a transitional housing facility for drug and alcohol users on the portion of the project site west of Academy Road. A transitional housing facility is one of the less intense institutional uses allowed by the existing land use designations and also implements the project objective of providing a range of housing types. As described in Section 4.11, Population and Housing, of the Draft EIR, under the current land use designation, the eastern portion of the project site would be permitted to develop an approximate maximum of 87 single family detached residential dwelling units, per the City's Zoning Ordinance. For the purposes of this response, it is assumed that the portion of the project site east of Academy Road would be developed to the maximum currently permitted density of 87 single family detached residential dwelling units.

In general, an Existing General Plan Land Use Designation Alternative would likely have the following impacts relative to the proposed project:

- Impacts likely to be similar compared to the proposed project
 - Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, and Land Use and Planning;
- Impacts likely to be reduced compared to the proposed project
 - Air Quality, Greenhouse Gas Emissions, Noise, Population and Housing, Public Services, Traffic and Circulation, and Utilities and Service Systems;
- Impacts likely to be greater compared to the proposed project
 - Hazards and Hazardous Materials and Recreation

The primary cause for the potential reduction in the above identified impacts is the substantially reduced population introduced to the area by the alternative relative to the

proposed project. Impacts to emergency access may increase as this alternative likely would not remove the existing barriers at the Academy Road / Frazee Road intersection. Additionally, a publicly-accessible park would not be warranted with such a substantially reduced private residential component to the project.

Despite the potential for an Existing General Plan Land Use Designation Alternative to reduce impacts to several environmental issue areas relative to the proposed project, it would still fail to meet the fundamental project objective of creating flexibility in the plan to accommodate possible changes in the demand for housing because only a transitional housing facility could be constructed on the western portion of the site. Such an Existing General Plan Land Use Designation Alternative would also be infeasible. An EIR need only consider feasible alternatives to a project. (CEQA Guidelines, §15126.6(a).) CEQA defines “feasible” as something that is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (Pub. Resources Code §21061.1; see also CEQA Guidelines, §15364.) As noted above, the City considered a residential drug and alcohol rehabilitation for the project site in 2010.⁵ That project proposed a 16,591 square foot building that would provide 59-beds. The City found that such a use would be inconsistent with the surrounding residential uses and the community character outlined in the General Plan for the Historic Core. The City expressed that such uses would be more appropriate in predominately urbanized areas, such as along Oceanside Boulevard, El Camino and SR-78 corridors which provide better established infrastructure of public transit and goods and services necessary for those utilizing a residential care facility. The City also expressed concern that such an institutional use would lead to more intense urbanization that would ultimately alter the pattern of development along the periphery of the historic core area which is predominately single-family in nature. In rejecting the prior rehabilitation center for the project site, the City expressed a clear preference for more traditional residential development of the site as such uses would be more harmonious with the existing community and the General Plan vision for the area.

In light of the City’s recent rejection of an institutional residential use on the Project site, substantial evidence demonstrates that development of the Existing General Plan Land Use Designation Alternative is infeasible because (a) it is not “capable of being accomplished in a successful manner in a reasonable period of time” and (b) decision makers at the City have already established that the alternative is not socially or

⁵ The Fellowship Center (GPA-03-07, ZA-2-07, D-6-07, C-9-07, H-3-07). See Planning Commission Staff Report dated April 26, 2010 for City staff explanation of residential rehabilitation center as incompatible with surrounding community.

politically feasible. (*Citizens of Goleta Valley v. Board of Suerpvisors* (1990) 52 Cal.3d 553 [EIR need not consider alternatives that public agency determined are inappropriate pursuant to a public review process.]) Even if that were not the case, the City is not aware of any developer willing and able to implement the Existing General Plan Land Use Designation Alternative within a reasonable period of time. Therefore, the EIR was not required to consider an Existing General Plan Land Use Designation Alternative. The alternatives discussed in the EIR constitute a reasonable range of alternatives as required by CEQA.

E-26 The commenter is correct in stating that the Reduced Density Alternative was determined by applying a Single Family - Residential zoning (less than 5 dwelling units be acre) across the entire project site. According to Section 15126(a) of the CEQA Guidelines, the objective of alternatives analysis in an EIR is to describe a range of alternatives that would meet most of the project objectives while reducing any significant effects on the environment. A Reduced Density Alternative was chosen as it would result in a substantially reduced population and, therefore, reduced impacts that are affected by the increases in population such as air quality, greenhouse gas emissions, noise, public services, traffic, and utilities. While the commenter expresses an opinion that this is not a fair alternative, the City disagrees and notes that the purpose of an alternatives analysis is to consider alternatives that foster informed decision-making and public participation. This alternative follows the rule of reason by providing a contrast to the project's significant impacts.

E-27 The comment expresses an opinion that it would be more objective to include a proportionate level of public benefits in the Reduced Density Alternative to make it a more attractive option. The City disagrees and notes that even if the Reduced Density Alternative were amended to include a proportionate level of public benefits, it would not change the reason why the City staff recommend the alternative is not feasible. While the alternative addresses most of the basic project objectives, adding more public benefits would not address the two fundamental project objectives -- providing a range of housing types for varying resident and community needs that helps meet current and future housing demands and creating flexibility in the plan to accommodate possible changes in the demand for housing. The City of Oceanside needs to create more housing to fulfill its Regional Housing Needs Assessment (RHNA) objectives in order to meet future housing demands. Adopting a less dense project will not help meet current and future housing demands.

Additionally, a less dense project would not conform to the plans, goals, and policies contained within the City's 2013-2020 Housing Element and the City's RHNA objectives. As stated in the 2013-2020 Housing Element, in accordance with state and

regional plans, SANDAG projected that approximately 80% of new residential development within the region will be higher density as well as be located along transit corridors and near commercial uses consistent with smart growth principles. The Housing Action Plan within the 2013-2020 Housing Element contains goals and policies that reflect these projections and planning efforts in order to meet the RHNA requirements; these include Policy 1.6, Goal 2, Policy 2.1, Policy 2.2, and Goal 3. Policy 1.6 calls for higher density housing along transit corridors, while Policies 2.1 and 2.2 and Goal 3 reflect the need to provide housing for lower income families. Importantly, however, Goal 2 of the Housing Action Plan states the following:

“Encourage the development of a variety of housing opportunities, with special emphasis on providing:

- A broad range of housing types, with varied levels of amenities and number of bedrooms.
- Sufficient rental stock for all segments of the community, including families with children.
- Housing that meets the special needs of the elderly and persons with disabilities.
- Housing that meets the needs of large families.”

As the Reduced Density Alternative as analyzed in the DEIR does not meet the intent of the City to provide higher density housing along transit corridors and in proximity to commercial uses, consistent with regional planning efforts in order to meet current and future RHNA requirements.

E-28 As discussed in Section 5.2 of DEIR, CEQA Guidelines set forth two methods for satisfying the cumulative impacts analysis requirement: (1) the list-of-projects approach; and (2) the summary-of-projections approach. Under either method, the EIR must summarize the expected environmental effects of the project and related projects, provide a reasonable analysis of cumulative impacts, and examine reasonable options for mitigating or avoiding the project’s contribution to any significant cumulative impacts. (Guidelines §§ 15130(b)(1)(A)–(B), 15130(b)(4)–(5).) It should also provide a specific reference to additional information stating where it is available. (Guidelines § 15130(b)(4).)

An EIR’s evaluation of cumulative impacts may be based on a list of past, present, and probable future projects producing related impacts, including, if necessary, projects outside the lead agency’s control. (Guidelines § 15130(b)(1)(A).) Or an EIR’s analysis of cumulative impacts may be based on a summary of projections in an adopted local,

regional, or statewide plan, a related planning document, or an environmental document that has been adopted or certified. (Guidelines § 15130(b)(1)(B), (d).) When a plan or an environmental document describes or evaluates conditions contributing to a cumulative impact, the EIR may use the projections in the plan or environmental documents for its cumulative impacts analysis. These projections may be supplemented with additional information such as a regional modeling program. (Pub. Res. Code § 21100(e); CEQA Guidelines § 15130(b)(1)(B), (d); *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260; *Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612.) Regional traffic models are commonly used to analyze cumulative traffic impacts. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899.) Such a uniform database can serve as a summary of projections when it is based on information in a relevant plan or EIR. (Id.) Regional or area-wide habitat conservation plans can also provide a basis for determining that significant cumulative biological impacts will not occur. (*Preserve Wild Santee*, 210 Cal.App.4th 260.)

Agencies are given a choice of methods of analysis so that they may select the method best suited to a particular situation. (Guidelines §1 5130.) Agencies sometimes use a “blended” cumulative impacts analysis based on a summary of projections from an adopted plan together with a list of recent projects used to update the projections. (CEB, *Practice Under the California Environmental Quality Act* (2015) § 13.41.) In some cases, this may be the best method for obtaining an accurate cumulative impacts analysis. (Id.)

As stated in Section 5.2 of the DEIR, the cumulative project list was prepared by City staff, the Traffic Impact Analysis for the proposed project, and information from other relevant agencies such as Caltrans, with the best available information at the time of preparation of the DEIR. Sections 5.2 and 5.3 state that, with the exception of the impact analyses of air quality and greenhouse gas emissions, the list-of-projects approach was utilized in the cumulative analysis presented in the DEIR. Air quality and greenhouse gas emissions cumulative impacts were evaluated using the summary-of-projections method because the impacts could only be analyzed on a broad, area-wide scope and in a cumulative context. As the lead agency, the City’s decision to use a blended approach to ensure an accurate cumulative impact analysis is entitled substantial deference. (*N. Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614; *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884; *Santa Monica Baykeeper v. City of Malibu* (2011) 193 Cal.App.4th 1538, 1546; *Cal. Native Plant Soc’y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 984; *City of Long Beach v Los Angeles Unified Sch. Dist.* (2009) 176 Cal.App.4th 889; *Nat’l Parks & Conserv. Ass’n v, County of Riverside* (1999) 71

Cal.App.4th 1341; State Water Res. Control Bd. Cases (2006) 136 Cal.App.4th 674, 723; Sierra Club v. County of Napa (2004) 121 Cal.App.4th 1490, 1497.).

E-29 The Buildout (Year 2030) analysis presented in The Traffic Impact Analysis prepared by LLG (see Appendix J of the DEIR) and Section 4.14, Traffic and Circulation, is a cumulative analysis as it accounts for expected growth, land use changes, and circulation network changes. The cumulative impacts listed in Section 5.4.14, Traffic and Circulation, are the same as the cumulative impacts identified in Section 4.14, Cumulative Effects on Traffic and Circulation.

The methodology utilized for determining impacts under buildout at year 2030 and Chapter 5, Cumulative Effects, is the same, as evidenced by the corresponding results contained in Section 4.14 and Chapter 5, Cumulative Effects. Section 4.14 expressly states, “Project traffic was added to the near-term traffic volumes...to arrive at the Existing + Near Term Cumulative Project + Project...condition.” (DEIR at pg. 4.14-31.) Moreover, Table 4.14-12 lists the nine pending cumulative projects within the proposed project vicinity that could generate traffic. Save for the inclusion of SR-76 improvements, Table 4.14-12 is identical to Table 5-1, which lists the cumulative project analyzed in Chapter 5. In the City’s discretion, it determined that the SR-76 improvements “would not directly generate increased trips,” and therefore were not included in the cumulative traffic analysis. (DEIR at pg. 5-14.) Additionally, Table 4.14-9 states the project will result in 3,284 ADT. Similarly, Chapter 5, Cumulative Effects, states, the “proposed project would result in a total trip generation of 3,284 average daily traffic.” (DEIR at pg. 5-13.) Table 4.14-12 states the cumulative projects will result in 74,513 ADT. Section 5.4.14 also states that the cumulative project will result in a total trip generation of 74,513 ADT. (DEIR at pg. 5-14.) Lastly, the cumulative impacts listed in Section 5.4.14, Traffic and Circulation, are the same as the cumulative impacts identified in Section 4.14, Traffic and Circulation. Therefore, there is no evidence that the “section on traffic for the projected traffic for 2030 buildout is not the same was what was used in the section on cumulative impacts.” Instead, Sections 4.14 and 5.14 mirror each other in methodology, analysis, resulting ADT and mitigation.

See also Response to Comment E-28 regarding the authority of the City to use list, summary or blended methodologies for the cumulative analysis. For example, the list method may work in some circumstances, but it could never work for the GHG analysis since no agency could list all the existing sources and anticipated projects in the state, country or world that emit greenhouse gases. The law recognizes that it is not practical to use one method for every type of cumulative analysis.

E-30 The Urban Water Management Plan (UWMP) consists of the good faith effort by the City to project and plan for water demand and supplies with information available at the time. Projections in population and demand are not based solely on a General Plan (last updated in 1989), but rather on current water trends (at the time of UWMP preparation), growth projections from the San Diego Association of Governments (SANDAG), and information from the San Diego County Water Authority (SDCWA) the SANDAG Series 12 Regional Growth Forecast are incorporated into the City's UWMP. The projections are then utilized by the SDCWA for use in SDCWA's UWMP, which is further incorporated into Metropolitan Water District's UWMP to calculate regional water demands. Even though Oceanside and other jurisdictions have amended planning documents since 2010, SDCWA anticipated a development scenario where growth might occur at an accelerated pace and created a buffer of water to make sure it could meet this demand, even in a multiple-year drought. As documented in the 2010 UWMP, the SDCWA utilizes the Accelerated Forecast Growth demand increment to demonstrate adequate water supplies for future and existing development. Therefore, based on the City's UMWP and SDCWA UWMP, the project would not result in unanticipated water demands and there is evidence to support that there will be adequate water supply for the project's estimated annual usage and water usage of other existing and planned uses.

While the commenter is correct in stating that at the time of the preparation of the current UWMP, the exact timing of the current drought and water shortages affecting the state were not known, the UWMP contains water shortage contingency and drought planning for multiple-year droughts in order to adequately prepare for future unknown water conditions. The water shortage contingency planning outlined in the UWMP includes methods of reducing water consumption, penalties for not reducing demand, and economic impacts that water shortages may have on the City. The drought planning section of the UWMP includes dry-year water deliveries analysis and methods with which the City would implement water reduction measures. As such, the City has accounted for drought and water shortage conditions, as required, in water planning documents.

In short, the fact that the City and State need to manage the immediate water supply shortage to address the drought, does not mean there are not adequate short-term or long-term water supplies for this project and other planned projects. The purpose of actively managing the water supply is to meet the water needs of not just existing users, but also future anticipated users, because both existing users and future development users are important to the economic growth of the City and the State.

E-31 As discussed in Chapter 3.3.6 of the DEIR, the plant palette was chosen for the climatic and soil conditions, maintenance, and drought tolerant characteristics, which would reduce overall landscaping water use. The DEIR specifically states, “Overall plant material selection for the community would have compatible drought resistant characteristics.” (DEIR at pg. 3-57.) Table 3-4 further evidences the proposed project’s commitment to a drought resistant plant palette and maximum reduction to overall landscaping water use.

E-32 Comment noted.

Comment Letter F



550 Hoover St.
Oceanside CA 92054
nadia550@sbcglobal.net
760-803-6813

April 6, 2015

City of Oceanside
300 N. Coast Highway
Oceanside CA 92054

Email: rcunningham@ci.oceanside.ca.us
jhunt@ci.oceanside.ca.us, zbeck@ci.oceanside.ca.us
PLEASE PLACE IN OFFICIAL RECORDS

RE: Draft EIR- Villa Stora PUD

To whom it may concern:

Thank you for offering us the opportunity to comment on this proposed project. Friends of Loma Alta Creek (Friends) want to ensure all development in the City is appropriate and will not overly impact the natural resources of the area and will significantly contribute to sustainability of the City while also being able to substantially comply with existing zoning and Land Use elements.

We believe this project is an abject failure on all those levels. Overall we find the bulk of this project fails to apply appropriate CEQA thresholds and largely restates existing requirements without properly analyzing the actual proposed project and its impacts to current zoning, land use element, aesthetics, biology, hydrology/water quality, etc. To say there are no significant effects for the vast majority of the reviewed elements cannot be supported.

Our comments on the DEIR follow:

Zoning/Density/Compatibility

1. Friends are 100% disappointed that this project is extremely dense and requires huge upzoning from residential single-family homes, from Private/Institutional to medium density and includes 3 story buildings on fill. The DEIR did not discuss how this project possibly fits into the **adopted** Zoning Ordinance, the Land Use Element or why such a massive rezone and any other considerations should be made for this project. Please discuss in full. (Land Use Element 2.0 A and B et seq)

F-1

F-2

- a. Friends could not find justification for removing land from Private/Institutional (non-residential) zoning Explain fully. Where is the retention of character? Where is the ancillary commercial and short term residential? (Land Use Element 2.4) I F-3
- b. Where is the public benefit for this project? The commercial aspect? The visitor aspect? An historic aspect? I F-4
- c. Friends could not find justification for density of housing? Where is the need for more residential units? The City is preparing materials now that indicate the City needs more commercial *not* more housing. Please address fully. I F-5
- d. How does this project contribute to the economy of Oceanside? Explain in detail. I F-6
- e. How does this project contribute significant benefit to the community? (Land Use Element 1.1B) I F-7
- f. How is this development compatible with Mission San Luis Rey historical development? (Land Use Element p.5) I F-8
- g. A. How does this project NOT impact the surrounding single family homes? How is it compatible with those homes and the current zoning rules??? (Zoning Section 1010E and F and Land Use Element 1.1 et seq) I F-9
- h. How is this at all compatible with most of the elements the Land Use Element? (Sections 1.0, 1.1, 1.13, et seq.) I F-10
- i. Where is the affordable housing element? (Land Use Element 1.16B) I F-11
- j. Of what benefit, other than to the developer, is the Historic Overlay request? I F-12
- k. Where are the public uses, trails, open space? Discuss in depth. I F-13

Water

- 1. How does this massive development comply with the San Luis Rey River Flood Control Element (Land Use Element p. 6) and FEMA floodway requirements to place no homes/structures in the floodplain. I F-14
- 2. Please explain proposed 5 foot fill in the floodplain and how this can be justified without a full FEMA review? (Figure 4.8-3) I F-15
- 3. Please explain any justification for building in the Henshaw Inundation Zone? (Figure 4.8-4) I F-16
- 4. Please explain why this project should be grandfathered in and not be required to retain storm water onsite and other requirements of the new RWQCB rules and regulations? I F-17
- 5. How does this project comply with Low Impact Development rules (LID)? I F-18
- 6. Given the extreme drought conditions and current water supply- Please discuss in detail how this project will appropriately conserve water? Are there green elements? Green fixtures? Smart controllers? Recycled onsite water for irrigation? Gray water systems? If not, why not? Discuss in detail. I F-19

Biology

- 1. Please discuss impacts to non-native grasslands and mitigations required by the SubArea Plan. I F-20

Aesthetics

- 1. Please describe how 3 story buildings on five foot of fill immediately adjacent to single family homes DOES NOT impact the view from the surrounding single family homes to the North and East? Friends believe this vertical development, on five feet of fill, will create canyonization, lack of views and light and substantial degradation of existing visual character. The drawings are not to scale and are way off on focal point. Please explain in detail. I F-21
- 2. Please describe in detail any mitigations for the impacted views of the Mission from the Southern, Eastern and Mission roadways and how this does not impact the view and character of the area? I F-22

3. Please describe in detail how a large wall immediately adjacent to single family homes is a “visual enhancement”?

| F-23

Air Quality/GHG

- 1. The Air Quality analysis seems completely inadequate and presumes, without justification that this project will occur in stages rather than all at once. Kindly discuss. | F-24
- 2. Please discuss what baseline conditions exist prior to this project? | F-25
- 3. Please discuss the methodology used for GHG analysis and if any other governmental agency accepts this methodology. | F-26

Waste Management

- 1. Please describe in detail how multi-use properties will comply with the Zero Waste Plan and exactly how the proper containers will be placed for access to pick up? | F-27

Alternatives

- 1. Where are the alternatives besides building the entire site in single family homes? Or no build? Discuss compliance with current Zoning Ordinance and Land Use Elements, Sub Area Plan and RWQCB requirements? Where is the alternative that retains P/I zoning? Discuss in detail. | F-28

Again, we find this DEIR and overall project to be reflect a complete misunderstanding of existing rules, regulations, zoning requirements, and likewise fails at every level to justify a project of this size, scope and density. Failure to analyze cumulative impacts is absent as well. | F-29

Kindly bring back a project that fits within the zoning, land use elements, FEMA floodplain requirements, RWQCB regulations, the Oceanside SubArea Plan and is *wholly* compatible with the surrounding neighborhoods.

Very sincerely,



Nadine L. Scott, Attorney
Friends of Loma Alta Creek

Cpy: file

INTENTIONALLY LEFT BLANK

Response to Comment Letter F

Friends of Loma Alta Creek
Nadine L. Scott
April 6, 2015

- F-1** Comment noted.
- F-2** The commenter disagrees with the policy proposal to modify the land use designations applicable to the project site. The comment does not concern the project's impacts on the physical environment and therefore does not require a response under CEQA. (Pub. Res. Code, §21100(b)(1), (d); CEQA Guidelines, §§15126(a), 15126.2(a), 15143, 15382 [an EIR must identify and focus on the "significant environmental effects" of the proposed project, which is defined as substantial or potentially substantial adverse change in the environment.]) The DEIR does disclose, however, that the project conflicts with existing General Plan land use designations (DEIR, p. 4.9-14). The City of Oceanside 2013-2020 General Plan Housing Element defines the need for 6,210 housing units in the City of Oceanside. It also identifies that more than half of the City's housing stock is comprised of single family homes (City of Oceanside 2013). In furtherance of smart growth principles this project includes a wider variety of housing types to service a broader population and housing need. The DEIR also analyzes consistency with a number of General Plan elements. For example, the project is consistent with the housing elements Goal 1, policy 1.6, Goal 2 policies 2.1-2.3, Goal 3 and Goal 4. Please refer to Section 4.9, Land Use, of the DEIR for further discussion of zoning land use compatibility.
- F-3** Please refer to Chapter 3.0, Project Description, for a list of the project objectives, which do not include the development of an institutional land use. Since no area within the project site would be designated as Private Institutional with implementation of the proposed project, Land Use Element Section 2.4 does not apply.
- F-4** Please refer to Response to Comment F-3. Under the proposed residential land use designations, a commercial aspect would not be permitted. Additionally, the proposed project is in proximity to several large commercial areas (as identified in Section 2.2 of the DEIR). For the western portion of the project site, which is located in the Historic Area Core, a 1 acre community park is provided. As discussed in Chapter 3.0, Project Description, Section 4.1, Aesthetics, and Section 4.9, Land Use, the park is located adjacent to the Parish property and in proximity to Mission San Luis Rey which would provide ease of access to visitors of the Mission. Additionally, as further identified in Section 3.3.1.3 of the DEIR, the community park would complement the mission architecture and incorporate cultural elements. In addition to the 1 acre

community park open to the public, the project would provide public benefit through implementation of the Pedestrian Priority Project #19 of the City's Pedestrian Master Plan (see Section 3.3.3 of the DEIR) and a bus stop. However, as noted above that the purpose of CEQA and preparation of the DEIR is to disclose environmental impacts of the proposed project and not identify public benefit.

- F-5** This comment also concerns the policy proposal to modify the land use designations applicable to the project site, not the project's impacts on the physical environment and therefore does not require a response under CEQA. See also Response to Comment F-2 for additional information about the need for housing in the City.
- F-6** This comment does not concern an environmental impact for which a response is required. The purpose of CEQA is not to determine how a project would contribute to the economy and economic and social effects are not to be treated as significant effects (see CEQA Guidelines § 15131). Nevertheless, the construction of homes on an existing vacant lot creates construction job opportunities, jobs for realtors and property managers, new property taxes, and the new development impact fees for public facilities in support of the new development.
- F-7** This comment does not concern an environmental impact for which a response is required. See also Response to Comment F-4 regarding public benefit and Comment F-6 for a brief description of economic benefits.
- F-8** Please refer to Section 4.1, Aesthetics (specifically Section 4.1.4, Threshold Question C), and Section 4.9, Land Use (specifically Section 4.9.5, Threshold Question B) for a full analysis of the project's consistency with the Mission San Luis Rey Historic Area Development Program and Design Guidelines. As discussed in Sections 4.1 and 4.9, the project would be consistent with the Development Program and Design Guidelines.
- F-9** Impacts to surrounding land uses are discussed over several sections of the DEIR, including Sections 4.1, Aesthetics; 4.2, Air Quality; 4.7, Hazards and Hazardous Materials; 4.8, Hydrology and Water Quality; 4.10, Noise; and 4.14, Utilities and Service Systems. The DEIR analyzed the project's impact the surrounding single family homes as, overall, the project was found to have less than significant impacts and/or less than significant impacts with mitigation incorporated to within the previously listed environmental issue areas. (See DEIR p. 4.9-13 to 4.9-15). A discussion of the proposed project's land use compatibility is found in Section 4.9.5, Threshold B. As found in the analysis in Section 4.9.5, the proposed project would be compatible with surrounding land uses. The Planning Area 1 is adjacent to the existing single family homes and is proposed allowable density of 6.0 - 9.9 dwelling

- units per acre. With a proposed unit count of 62 over approximately 10.19 acres, the actual proposed density is 6.0 dwelling units per acre which is compatible with the existing density in the adjacent single family neighborhood of River Ranch Homes.
- F-10** Please refer to Section 4.9, Land Use, and specifically Section 4.9.5, Threshold B, for a full discussion of the proposed project’s compatibility with relevant Land Use Element policies. As found in the analysis, the proposed project would be compatible with the Land Use Element. As identified in the Mission Historic District Guidelines this area is an area of high future potential.
- F-11** Discussion of the project’s compatibility with Land Use Element 1.16 is located in Section 4.9.5 of the DEIR. Planning Area 2 is planned as an affordable housing component.
- F-12** Please refer to Response to Comments F-4 and F-6.
- F-13** As discussed in Section 3.3.1.3 of the DEIR, the proposed project would include a 1 acre public community park at the southwest corner of the project site. The pedestrian improvements to Mission Avenue would be in conjunction with Pedestrian Priority Project #19 of the City’s Pedestrian Master Plan. The proposed improvements to Academy Road include Class II bicycle lanes in both directions which serves to connect to the City’s Bicycle Master Plan. Additionally, as described in Section 3.3.1.3, the proposed project would include a number of private open space areas.
- F-14** The San Luis Rey River Flood Risk Management Channel/Project Area encompasses approximately 7.2 river miles from College Boulevard. (formerly Murray Road) in the east to the Pacific Ocean in the west(San Luis Rey Flood Control Project, Draft Supplemental Environmental Assessment and Mitigated Negative Declaration (Jan. 2014) at pg. 1.). The proposed project site is 0.5 south of the San Luis Rey River, and not within the affected 7.2 river miles or the adjacent property (DEIR at pg. 2-2.). Moreover, as demonstrated, there is substantial development between the River and the proposed project site (Figure 2-2.). Development at the proposed project site would neither violate the San Luis Rey River Flood Control Project nor be at significant risk of flooding due to location and project design features (DEIR at pg. 4.8-19.). The project proposes a fill of the project site that would effectively raise the structures out of the 100-year flood hazard zone (DEIR at pg. 4.8-19.) The structures would be above base flood elevations (Id.; Buccola 2014b.) Therefore, the proposed project is in compliance with FEMA requirements. The project applicant has initiated the process with FEMA and there is an application pending with FEMA for a CLOMR-F as of January 2015.

- F-15** Please refer to Response to Comment F-14. The comment is unclear as to what “FEMA review” commenter is required. The remainder of this response assumes the comment alludes to FEMA’s review of a Flood Hazard Determination, which is not required or applicable for the proposed project. First, FEMA Flood Determination Review is an optional review to be filed jointly by a borrower and lender (<https://www.fema.gov/national-flood-insurance-program/how-request-flood-hazard-determination-review-fema>). Thus, there is no mandate requiring FEMA to review the DEIR’s determination that the project is not susceptible to a 100-year flood zone. Second, the Flood Hazard Determination Review process does not consider the elevation of structures above the flood level (Id.). The project proposes a fill of the project site that would effectively raise the structures out of the 100-year flood hazard zone. (DEIR at pg. 4.8-19.) The structures would be above base flood elevations. (Id.; Buccola 2014b.) Therefore, the five foot fill removes structures from consideration of a FEMA Flood Hazard Determination review.
- F-16** Current inundation maps do not accurately reflect the flood control improvements in the San Luis Rey River, nor do they reflect the fill that would be placed at the project site to remove it from the area of inundation. The project proposes a fill of the project site that would effectively raise the structures out of the 100-year flood hazard zone; this raise would also account for other forms of flooding, including that in the dam inundation zone. (DEIR at pg. 4.8-19 – 4.8-20.) The structures would be above base flood elevations. (DEIR at pg. 4.8-19; Buccola 2014b.) Therefore, the structures would no longer be exposed to potential flooding hazards. (DEIR at pg. 4.8-20.)
- F-17** Please refer to Response to Comment E-20.
- F-18** Please refer to Sections 4.8.3 and 4.8.5 of the DEIR for a full discussion of the proposed project’s Low Impact Development (LID) features. Various LID practices, which include minimizing impervious areas through incorporation of landscaping where feasible and sediment filtration control devices, as identified in the project’s Storm Water Management Plan would aid in retaining permeability of portions of the project site.
- F-19** Please refer to Response to Comment E-31. The project would conserve water through sustainable community design practices such as the incorporation of low water use plants and landscape (utilize WUCOLS plant water use list) where appropriate; low water use turf options, such as carex/paspalum turf; limiting the amount of turf allowed per residence such as 10% standard turf with alternate option of paspalum turf with underground irrigation; utilizing low growing, low water use plantings within parkways instead of turf; designing curb cuts to allow water to drain back into landscape areas; implement domestic water and irrigation systems that

conform to and exceed all California water use regulations; promoting the use of low flow water conserving fixtures and tank-less water heaters with residential construction; designing irrigation systems to utilize recycled water once available, in conjunction with development improvement plans show that the estimated water use (ETWU) versus maximum allowed water use (MAWA) would be under the required amount (percentage); saving on-site water overflow volume for re-use in common landscape areas; and utilizing “weather based” irrigation systems able to automatically adjust in response to varying weather conditions.

- F-20** The project site is designated “disturbed lands,” which is defined as an area where vegetative cover comprises less than ten percent of the surface area and where there is evidence of soil surface disturbance and compaction. In spite of the disturbance which has occurred over the surface of the entire site there is minimal non-native vegetation on the site. As the property is currently disturbed, no impacts would occur with respect to loss of non-native grasslands.

Section 5.4.3 addresses the project’s consistency with the Oceanside Subarea Plan. This project will be subject to the conservation requirements of the Oceanside Subarea Plan and will adequately mitigate for all potential impacts to non-native grasslands, as well as other biological impacts. Please refer to Response to Comment E-8.

- F-21** Discussion of visual impacts can be found in Section 4.1, Aesthetics of the DEIR. Contrary to Comment F-21, three-story buildings are only proposed in Planning Area 2 (southeast corner of the project site, see Figure 3-1) and will not be directly adjacent to the existing River Ranch residential development. River Ranch would be buffered by setbacks from Planning Area 2 by Planning Area 1, and by a small vacant area of land just east of Planning Area 2. Please refer to Figure 4.1-4 for a visual simulation of Planning Area 2. Planning Area 1, which borders River Ranch, would be developed with two-story single-family detached homes similar to those to the north and east of the project site as shown on Figures 4.1-1 and 4.1-2.

River Ranch consists of single-family detached two-story homes generally at the same approximate elevation at the eastern portion of the project site. The perimeter of this residential community is lined by a wall and thinly planted with ornamental trees. As shown in the figures, existing views towards the project site does not afford any view of important visual resources (identified in the Mission San Luis Rey Historic Area Development Program and Design Guidelines). Instead, the vacant project site and mature landscaping associated with the Parish property is visible. While the proposed project would screen views of existing landscaping on the Mission grounds, proposed landscaping associated with Planning Area 1 would be similar and upon

maturation, would display a similar form and overall character as existing landscaping. Therefore, the proposed project would introduce development that would be visually compatible with the existing River Ranch Homes neighborhood.

It is acknowledged in the DEIR that the proposed project would result in a high visual change to several of the exiting views; however, the proposed project would not obstruct views to important visual resources as identified in the applicable land use plans, would introduce aesthetically cohesive plantings, structures, and roadway improvements when compared to the existing visual environment, and would complement the historic area.

F-22 Discussion of visual impacts is found in Section 4.1, Aesthetics of the DEIR. The project is not located south of Mission San Luis Rey and, therefore, would not impede any views of the Mission from roadways to the south. Roadways to the southeast, specifically Mission Avenue and a portion of State Route 76, are discussed Section 4.1.5, Threshold C, and shown on Figures 4.1-4 and 4.1-5. As shown in both figures, views of the Mission are not afforded from either roadway when adjacent to the existing vacant project site. Views towards the Mission are obstructed by existing mature landscaping and the Parish property. As discussed throughout the analysis presented in Section 4.1.5, while the proposed project would introduce new residential structures to this corridor, the residences would not obstruct views of the Mission from Mission Avenue. Moreover, residences would display a similar bulk and scale as existing development in the area and the introduction of landscaping would partially screen these structures. When compared to the existing condition of the vacant project site and unimproved Mission Avenue frontage, the introduction of landscaping, a pedestrian sidewalk and other project features would improve the visual quality along this corridor. Please also refer to Response to Comment F-22.

F-23 The commenter is incorrect in the characterization of this comment; the discussion found in Section 4.1, Aesthetics, of the DEIR does not state that a wall adjacent to single family homes would be a “visual enhancement.” Perimeter walls are intended to be located along project site boundaries and major streetscapes to provide a decorative edge and backdrop for landscape features. (Section 3.3.6.2; Figure 3-18.) This is consistent with the surrounding area as River Ranch currently includes a perimeter wall buffering the development (See Figure 4.1-1.). In addition, the project proposes introducing aesthetically cohesive plantings, structures and roadway improvements to enhance visual quality.

F-24 Please refer to Response to Comment E-7.

F-25 Please refer to Responses to Comments D-2, D-6, D-7, and E-9 to E-12.

F-26 Please refer to Responses to Comments D-7 and E-9 to E-18..

F-27 In 2012, the City of Oceanside enacted a Zero Waste Plan which set the goal of 75% diversion/recycling rate by 2020. This goal is aligned with recently enacted State of California AB 341. Currently, the City has reached a diversion/recycling rate of 72% through the implementation of numerous waste reduction and recycling programs. Once the strategies detailed in the Zero Waste Plan are fully implemented, the City should be able to achieve diversion higher than 75%, and ultimately meet the international standard of 90% to become a Zero Waste Community. The proposed project would be required to comply with all City regulations and programs regarding solid waste and recycling.

F-28 Project alternatives are discussed in Chapter 9 of the DEIR. A discussion of all environmental issue areas for each alternative under consideration is found in Chapter 9 of the DEIR. Also refer to Response to Comment E-25, E-26 and E-27 for a discussion of the Reduced Density Alternative that retains the existing Private Institutional zoning. A No Project Alternative is discussed in Section 9.4.2 of the DEIR. RWQCB requirements are addressed in Response to Comment E-20.

The commenter requests an evaluation of an alternative under existing land use designations and under the no build scenario. Under some circumstances that are not relevant here, the no project alternative should assume development under existing land use designations. CEQA requires consideration of a no-project alternative to allow a comparison of the environmental impacts of approving the proposed project with the effects of not approving it (CEQA Guidelines §15126.6(e)(1)). There are generally two ways to perform a no project alternative analysis. Where the project proposes revision of an existing land use or regulatory plan, policy or ongoing operation, the no project alternative is a continuation of the existing plan, policy or operation into the future (CEQA Guidelines, §15126.6(e)(3)(A)). Where the project proposes a development project on identifiable property, the no project alternative is the circumstance under which the project does not proceed, which in many cases will be that the project site remains in its existing condition (CEQA Guidelines, §15126.6(e)(3)(B)). As the proposed project studied in the DEIR contemplates a specific development project on identifiable land, it appropriately evaluated a no project alternative that assumed a continuation of the existing conditions (i.e., vacant land), rather than uses that might be permitted under the applicable zoning (DEIR, p. 9-12.).

F-29 Comment noted.

INTENTIONALLY LEFT BLANK

Comment Letter G

3-12-15

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

↑ please forward
to Mayor + City
Council - I will call
them to make sure they
get a copy.

Too much = 420 Dwellings on 35.59 acres.

Do not change the land use from what it
already is - Too many people for such a small
area - it will not just be 2 people per house-
hold - too many cars. This land use change
will not be good for the small road =
Accademy. I'm sure they would make it pretty
But too many cars - it will take forever - a
line up of cars - to get out to Mission Road - unsafe!!

Print your name Barry + Katie Mylar Date 3-12-15

Complete address 299 Seagull Lane - Oceanside Ca 92057

Do not change the Land use

G-1

G-2

G-3

INTENTIONALLY LEFT BLANK

Response to Comment Letter G

Barry and Katie Mylar
March 12, 2015

G-1 The commenter is correct in stating that “it will not just be 2 people per house-hold.” As used in the analysis presented in Section 4.11, Population and Housing, or the DEIR, a person per household coefficient of 2.85 is utilized, which is calculated for the City of Oceanside by the State of California Department of Finance.

Discussion of traffic impacts is provided in Section 4.14, Traffic and Circulation. Specific to the commenter’s mention of impacts to Academy Road, Section 4.14 identifies potentially significant impacts to the Mission Avenue / Academy Road intersection and queueing of cars on the southbound approach on Academy Road towards Mission Avenue. Both of these identified impacts, as well as all other identified potentially significant traffic impacts would be mitigated to a level below significance through implementation of mitigation measures M-TRA-1 through M-TRA-7 as provided in Section 4.14.6. For additional information regarding the traffic analysis, please refer to the traffic impact analysis prepared for the proposed project and included as Appendix J to the DEIR.

The comment regarding the proposed change in land use and density is noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project.

G-2 Please refer to Response to Comment G-1. Mitigation measure M-TRA-6 requires the project applicant to include 150-foot dedicated left-and right-turn lanes on Academy Road at the southbound approach to Mission Avenue, which would reduce potential impacts of queuing to a level below significance. In addition, traffic hazards are discussed in Section 4.14, Traffic and Circulation, of the DEIR. As found in the DEIR, the proposed project would not create traffic hazards as a result of a design feature or incompatible land uses.

G-3 Comment noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project.

INTENTIONALLY LEFT BLANK

Comment Letter H

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

*we need two interances into the site,
and a widening of academy Rd. due to
increased traffic this project will create.
Thank you for considering our opinions!*

H-1

Print your name JEAN GASPARD Date 3.12-15

Complete address 109 PHEASANT LAKE - SHRW INC.

INTENTIONALLY LEFT BLANK

Response to Comment Letter H

Jean Gaspard
March 12, 2015

H-1 The proposed project would remove the existing barrier at the Frazee Road / Academy Road intersection which would provide a second primary ingress/egress location in addition to the Academy Road / Mission Avenue intersection.

Discussion of traffic impacts is provided in Section 4.14, Traffic and Circulation. As found in the analysis, in order to accommodate the additional traffic forecasted for this roadway, the project proposes a design speed of 35 mph and the widening of Academy Road between Frazee Road and Mission Avenue to 38 to 44 feet for its entirety with a 10-foot raised median provided intermittently for a carrying capacity of 7,500 ADT. On-street parking would be prohibited on Academy Road which effectively reduces friction along the roadway. These capacity-related enhancements would improve traffic flow along Academy Road. In addition, through implementation of mitigation measure M-TRA-6, the project applicant would be required to include 150-foot dedicated left-and right-turn lanes on Academy Road at the southbound approach to Mission Avenue. As disclosed in Section 4.14 of the DEIR and provided in the project's Traffic Impact Analysis (Appendix J of the DEIR), the proposed improvements to Academy Road would be adequate for anticipated traffic flow.

INTENTIONALLY LEFT BLANK

Comment Letter I

TO: Russ Cunningham, Senior Planner 760 435 3520
 City of Oceanside
 300 N. Coast Highway
 Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
 please forward a copy of this
 letter to the Mayor and to
 all City Council Members

RE: Public Comment on SCH 201451018
 Villa Storia Planned Development Plan
 Draft Environmental Impact Report
 Response due no later than April 6, 2015

My Concerns are as follow:

The Environmental Impact Report for the Villistoria Planned Development Project to build approximately 420 housing units with up to 800 automobiles will create traffic problems, especially on Academy a two lane street. San Luis Rey Home, next door, already generates traffic from 328 units, probably up to several trips a day, possibly 300 to 600 automobiles also, San Luis Rey has "volumes of traffic on special Event days especially on "The Day of the Bread" and a day that celebrates "St. Luis". In the past traffic control has been requested by the City of Oceanside.

Also additional water control will have to be installed, possibly additional police and fire protection, and other impacts of City Services will have to be made.

The developer says no or "little impact on the environment" - NOT true -

I-1

Print your name IONE ELSNER Date 3/15/15

Complete address 12 ORIOLE LANE OCEANSIDE, CA

INTENTIONALLY LEFT BLANK

Response to Comment Letter I

Ione Elsner
March 15, 2015

I-1 Discussion of traffic impacts is provided in Section 4.14, Traffic and Circulation. As part of the traffic analysis, the existing operations of the project traffic study is determined; this includes traffic generated by existing surrounding land uses such as San Luis Rey Homes and commercial centers. The existing intersection and roadway segment operations (summarized in Tables 4.14-7 and 4.14-8) are utilized in all traffic analysis scenarios provided in Section 4.14.

It is acknowledged that Mission San Luis Rey and the adjacent Parish occasionally hold events which may result in an increase in traffic when compared to a typical day. However, the DEIR is tasked to disclose the potential traffic impacts of an average day, not a select number of days out of the year. As the commenter notes, City of Oceanside traffic control has been previously requested for such events. The implementation of the proposed project would not preclude the City to provide traffic control for special event days.

I-2 As discussed in Section 4.15, Utilities and Service Systems, and shown on Figures 4.15-1 and 4.15-2, the proposed project includes on-site water infrastructure improvements, that would connect to existing water lines and would be adequately sized to serve the project demands.

Impacts to City services are discussed in Section 4.12, Public Services, of the DEIR. As discussed in Section 4.12, the proposed project would result in an incremental permanent increase in the demand for police protection, fire protection, schools, and parks. However, payment of Public Facility Impact Fees, which provide funding to City services to minimize impact from new development would be paid by the project applicant. Additionally, the project applicant would also pay the required school fees to the Oceanside Unified School District. The payment of required fees would provide funding to the City and the District in order to adequately serve development.

I-3 As found through the analysis in the DEIR, all identified impacts would be mitigated to a level below significance through implementation of required mitigation measures. The proposed project would not result in any significant and unmitigable impacts on the environment.

INTENTIONALLY LEFT BLANK

Comment Letter J

March 21, 2015

To: Russ Cunningham, Senior Planner, City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057

Re: Public Comment on SCH201451018
Villa Storia Planned Development Plan, Draft Environmental Impact Report

Dear Mr. Cunningham,

I am writing to express some concerns I have about the planned community of Villa Storia. I am a resident of the San Luis Rey homes community, which I believe will be negatively impacted by this development in several ways.

J-1

My Concerns are as follows:

1. Traffic:

Academy Road is a two lane road, 2/10 of a mile long, that runs through the middle of this proposed development, and ends at the gated community of San Luis Rey Homes. Academy Road services the 320 homes in The the San Luis Rey Community and the Alano Club of North County. Academy Road intersects with Mission Road (also a 2 lane road). There is a stop light at Old Grove Market Way, 1/10 mile east where Academy exits into Mission Road. When this light is red it allows for approximately 10 vehicles before blocking the exit from Academy onto Mission.

J-2

2. Emergency access:

Access to San Luis Rey Home Community. This is an over 55 community.

J-3

3. Income/Jobs to support a development of this size (420 additional homes):

According to the Oceanside website, Oceanside has a poverty level of approximately 20% and a family medium income of \$50,000. See page 4 of attached pamphlet.

J-4

4. Over building of affordable housing in this area:

This development would create an impoverished area with serious impact on our schools, police and related community services. San Luis Rey community has 320 homes that are already low income. Houses in this community have sold between \$40,000 to \$180,000 in the last 5 years.

J-5

Sincerely,

Sally Antsen
314 Killdeer Lane
Oceanside, California 92057

Request: Planning Department forward a copy of this letter to:
Mayor Jim Wood
Deputy Mayor Chuck Lowery
City manager: Steve Jepsen
City Council Members
All party's involved in the Villa Storia Project by: 4/6/2015

INTENTIONALLY LEFT BLANK

Response to Comment Letter J

Sally Antsen
March 21, 2015

- J-1** Comment noted.
- J-2** This comment is primarily informational. Traffic impacts discussion is Section 4.14, Traffic and Circulation. As discussed in Section 4.14, the proposed project would potentially impact the Academy Road / Mission Avenue intersection. Mitigation measures M-TRA-1 (signalization of the intersection) and M-TRA-6 (provision of 150-foot dedicated left- and right-turn lanes southbound on Academy Road, approaching Mission Avenue) would reduce impacts related to operations and vehicle queuing at this intersection to a level below significance.
- J-3** Emergency access is discussed in Section 4.14, Traffic and Circulation, of the DEIR. During construction, the proposed project would implement a Traffic Control Plan, as required by mitigation measure M-TRA-7, to the approval of the City, which would require adequate emergency services access during all phases of construction. The proposed improvements to Academy Road would improve traffic flow; the proposed roundabout would allow for a continuous flow of traffic and the uncontrolled stop at the northbound/southbound portion of the Academy Road/Frazee Road/Chapter Lane intersection would ensure minimal queuing and interference to potential emergency vehicles attempting access to San Luis Rey Homes. In addition, removal of the existing barrier at the Frazee Road / Academy Road intersection would improve emergency access to the site and surrounding areas.
- J-4** Comment noted. The comment is about economic and social effects, and does not raise specific issues related to the adequacy of the environmental analysis in the DEIR. Per CEQA Guidelines Section 15131, economic and social effects are not treated as significant effects on the environment. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project.
- J-5** Please refer to Response to Comments I-2 and J-4.

INTENTIONALLY LEFT BLANK

Comment Letter K

MAR 23 2015

CITY OF OCEANSIDE
DEVELOPMENT SERVICES

TO: Russ Cunningham, Senior Planner
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Storia Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

- ① Will not compliment the HISTORIC AREA PLAN | K-1
- ② HAVE GREAT IMPACT ON TRAFFIC | K-2
- ③ INCREASE CRIME | K-3
- ④ PROPOSED PLAN WILL PREVENT NEW MANUFACTURED HOMES
COMING INTO SAN LUIS REY MOBILE HOMES PARK. | K-4

Print your name Pauline Bledsoe Date 3-20-15

Complete address 324 Killdeer Ln, O'side, CA. 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter K

Pauline Bledsoe
March 23, 2015

- K-1** Consistency with the Mission San Luis Rey Historic Area Development Program and Design Guidelines is provided in Section 4.1, Aesthetics, of the DEIR. The proposed project was found not to conflict with the Mission San Luis Rey Historic Area Development Program and Design Guidelines.
- K-2** Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).
- K-3** As stated in Chapter 3, Project Description, home frontages would be designed consistent with the principles of Crime Prevention through Environmental Design. Additionally, as discussed in Section 4.12, Public Services, the proposed project would not significantly impact the City's Police Departments ability to provide services to the area.
- K-4** Manufactured home accessibility is discussed in Section 4.14, Traffic and Circulation. As discussed in Section 4.14 and shown on Figures 4.14-5, 4.14-6, and 4.14-7, semi-trucks transporting a typical manufactured home would not be impeded by the proposed improvements to the Academy Road / Mission Avenue intersection, the Academy Road roundabout, and proposed raised medians within Academy Road.

INTENTIONALLY LEFT BLANK

Comment Letter L

Russ Cunningham

From: Sally Antsen <relosally@gmail.com>
Sent: Tuesday, March 24, 2015 8:04 PM
To: Russ Cunningham
Subject: Villa Storia Development

To: Russ Cunningham, Senior Planner
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
March 25, 2015

Dear Mr. Cunningham

Re: Mission San Luis Rey Development Program and Design Guidelines

Guidelines were adopted to preserve the integrity of the historical San Luis Rey Mission and the surrounding areas in 1986:

11/12/1986 City Council Res: # 86-292
9/22/1986. Planning Commission. Res: # 86-P99 10/01/1986. Oceanside Historic Preservation Advisory Commission Res: # 86-H11

Reviewing the proposed Villa Storia Development plan, there seems to be a series of areas that are not in compliance with the vision the city had for this land.

I believe these guidelines were created to prevent this kind of development in order to preserve the historical significance of the mission.

There are better suited developments that would honor these guidelines. A retirement/assisted living community is one, a school would be another. There are other options for the development of this land.

Integral Communities knew of these guidelines before purchasing this property: it is a matter of public record.

Sally Antsen
314 Killdeer Lane
Oceanside, California 92057

Please forward this correspondence to:
Mayor Jim Wood
Deputy Mayor Chuck Lowery
City Council Members
All parties involved in approving this development

Sent from my iPad

L-1
L-2

INTENTIONALLY LEFT BLANK

Response to Comment Letter L

Sally Antsen
March 25, 2015

- L-1** Consistency with the Mission San Luis Rey Historic Area Development Program and Design Guidelines is provided in Section 4.1, Aesthetics, of the DEIR. The proposed project was found not to conflict with the Mission San Luis Rey Historic Area Development Program and Design Guidelines. The commenter notes that there are a “series of areas that are not in compliance with the vision the city had for this land” yet does not provide specific details such that a more thorough response may be provided.
- L-2** Discussion of alternatives to the proposed project is found in Chapter 9 of the DEIR. The comment is about other options of the proposed project site, and does not raise specific issues related to the adequacy of the environmental analysis in the DEIR. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project.

INTENTIONALLY LEFT BLANK

Comment Letter M

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

M-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

M-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

M-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

M-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late.? The cut-off date to submit our concerns about this proposed project is April 6, 2015

M-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

3-29-15

Barry + Katie Mylar
Katie

Barry + Katie Mylar
951-265-7359 cell #

299 Seagull Lane
Oceanside Ca 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter M

Barry and Katie Mylar
Original Commenter: Beatrice H. Nelson
March 29.2015

- M-1** Please refer to Responses to Comments I-2 and J-3.
- M-2** Comment noted. Please refer to Responses to Comments I-2 and J-3.
- M-3** As described in Chapter 3, Project Description, the proposed project would allow a maximum of 420 residential units as listed in Table 3-1. Multi-family residential is typically defined as multiple separate housing units contained within one building or complex where units share common walls (e.g. an apartment building). The word “unit” as used throughout the DEIR does not describe the multi-family building (e.g. apartment building), but rather the individual units within one building. Therefore, one multi-family unit equates to one residential unit. The traffic impact analysis presented in Section 4.14 of the DEIR accurately reflects the proposed project. Please also refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3 regarding traffic impacts.
- M-4** The DEIR has been prepared in accordance with the CEQA Guidelines. As indicated by the analysis throughout the DEIR, all identified impacts would be mitigated to a level below significance. No identified impacts would remain significant after mitigation.
- M-5** Discussion of safety and emergency services is provided in Section 4.12, Public Services, and Section 4.14, Traffic and Circulation. Please refer to Responses to Comments I-2 and J-3.

Noise is discussed in Section 4.10, Noise, of the DEIR. Project related construction and proposed land uses (and related on-site activities such as landscaping and parking areas) would not exceed City of Oceanside Noise Element and Noise Ordinance thresholds. Also as identified in Section 4.10, project related traffic noise would not result in significant noise impacts to San Luis Rey Homes.

Pollution is discussed in several locations including Section 4.2, Air Quality, 4.7, Hazards and Hazardous Materials, and 4.8, Hydrology and Water Quality. The proposed project would have less than significant impacts related to air pollution, release of hazardous materials, and stormwater pollution.

Security of surrounding existing land uses is considered a social effect, which, per CEQA Guidelines 15131, is not to be treated as significant effects on the environment.

The remainder of the comment is noted and does not raise specific issues related to the adequacy of the environmental analysis in the DEIR. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project.

Comment Letter N

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

N-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

N-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

N-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

N-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late.? The cut-off date to submit our concerns about this proposed project is April 6, 2015

N-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Tom Hodgson
265 Quail Ln
Oceanside CA 92057
03/30/15

INTENTIONALLY LEFT BLANK

Response to Comment Letter N

Jan Hodkinson
Original Commenter: Beatrice H. Nelson
March 30, 2015

- N-1** Please refer to Response to Comment M-1.
- N-2** Please refer to Response to Comment M-2.
- N-3** Please refer to Response to Comment M-3.
- N-4** Please refer to Response to Comment M-4.
- N-5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter O



U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008
760-431-9440
FAX 760-431-9624



California Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, California 92123
858-467-4201
FAX 858-467-4299

In Reply Refer To:
FWS/CDFW-14B0438-15CPA0160

APR 06 2015

Mr. Russ Cunningham
Senior Planner
City of Oceanside
300 N. Coast Highway
Oceanside, California 92054

Subject: Comments on the Draft Environmental Impact Report for the Villa Storia Project,
City of Oceanside, San Diego County, California (SCH 2014051018)

Dear Mr. Cunningham:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the Draft Environmental Impact Report (DEIR) for the Villa Storia Project (Project) received February 23, 2015. The project details provided herein are based on the information provided in the DEIR and associated documents.

We offer the following specific comments and recommendations to assist the City of Oceanside (City) in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources and to ensure that the Project is consistent with previous discussions and/or applicable requirements of the City's draft Subarea Plan (SAP) of the Subregional Multiple Habitat Conservation Program (MHCP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA; Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City is currently participating in the NCCP program through the preparation of a draft MHCP Subarea Plan.

O-1

O-2

Mr. Russ Cunningham (FWS/CDFW-SDG-14B0438-15CPA0160)

2

The proposed project is located in the San Luis Rey Neighborhood Planning Area, within the north-central portion of the City. The 35.59-acre site lies north of the intersection of Mission Avenue and Academy Road, within the Mission San Luis Rey Historic Area. The site is generally bisected into eastern and western portions by the Academy Road alignment, with the land west of Academy Road located within the designated Historic Area Core. The project site is surrounded by single-family residential uses to the east and northeast. A medium-density mobile home development (San Luis Rey Mobile Estates), a private group assembly use known as the Alano Club, and single-family residential property are adjacent to the northern boundary of the project. The Mission San Luis Rey Parish property borders the project site on the west, with the Mission San Luis Rey grounds located immediately west of the Parish. Ivey Ranch Park, which includes an equestrian facility, is located south of the project site across Mission Avenue. State Route 76 (SR-76) borders the project site along the southeast, with medium-density condominiums and a large commercial center located south of SR-76. The proposed project site is located within the Offsite Mitigation Zone (OMZ) delineated in the City’s draft SAP.

O-3

The proposed project includes the development of four separate Planning Areas within the 35.59-acre project site that would support a variety of residential uses, including: single-family detached and cluster developments, single-family attached clusters, and a variety of townhouses. Specifically, Planning Area 1 (10.19 acres) proposes 62 single-family dwelling units and a tot lot, Planning Area 2 (4.04 acres) proposes 100 townhome or similar multi-family dwelling units, Planning Area 3 (7.30 acres) proposes 86 single-family cluster homes and a recreation area with community pool, and Planning Area 4 (10.70 acres) proposes up to 172 multi-family attached dwelling units along with a community park and passive open space. In total, the project would include the development of a maximum of 420 dwelling units. The project includes several offsite improvements including a bus stop near the Community Park entrance, improvements to the Mission Avenue frontage near the project site, and implementation of Pedestrian Priority Project #19, as identified in the City’s Pedestrian Master Plan.

O-4

The proposed project would result in direct permanent impacts (approximately 35.59 acres) to the entire site either from the proposed grading or due to the transfer of some acreage to the adjacent landowner, including approximately 0.08-acre of mulefat scrub/Department jurisdictional wetland. No Federal or State listed or sensitive plant or wildlife species are expected to occur on site and no native vegetation communities occur adjacent to the project site. The DEIR proposes the following conservation measures to avoid, minimize, and adequately mitigate project-related impacts to biological resources:

MM-BIO-1 *Impacts from construction-related noise may occur to wildlife if construction occurs during the breeding season (i.e., February 15–August 31 for most bird species; and January 1–August 31 for raptors). Protection of general avian wildlife in compliance with the Migratory Bird Treaty Act and California Code will be accomplished by either scheduling construction between July 15 and December 31 or, if construction must commence during the nesting season (January 1–August 31), a one-time biological survey for nesting bird species must*

O-5

Mr. Russ Cunningham (FWS/CDFW-SDG-14B0438-15CPA0160)

3

be conducted in all suitable habitat for the presence of nesting birds by a qualified biologist 72 hours prior to the commencement of work.

If any active nests are detected, the area will be flagged and mapped on construction plans along with a minimum 25-foot buffer up to a 300-foot maximum for raptors, or as recommended by the qualified biologist. Generally, a 25-foot buffer is suitable for most non-sensitive bird species. Larger buffers are required for raptors because they are particularly sensitive to disturbance during the breeding season. These typical buffer distances are generally accepted by the resource agencies (e.g., USFWS, CDFW). These buffer areas established by the qualified biologist will be avoided until the nesting cycle is complete or it is determined that the nest has failed.

MM-BIO-2 *Prior to approval of the Villa Storia Planned Development Plan, impacts to 0.08 acre of mulefat scrub will be mitigated through the purchase of 0.16 acre of riparian habitat located within the San Luis Rey Mitigation Bank (also known as the Singh Property) located on the San Luis Rey River north of State Route 76 and south of North River Road in the City of Oceanside, San Diego County, California. Since the mulefat scrub on site is isolated, does not function as prime wildlife habitat, and is very small and lacking species diversity and ecosystem functions, it functions more as a disturbed wetland and avoidance of the mulefat scrub on site would not retain any significant habitat value. However, habitat preservation within the San Luis Rey River would provide for both increased wildlife habitat and wetlands functions of the area. Preserving additional acreage in the San Luis Rey River would increase the overall function and value of this significant North County wildlife corridor. This mitigation bank is currently occupied by a number of federal and state listed wildlife species and is located within a wildlife corridor. The functions and values of this mitigation bank are very high and mitigating by purchasing credits in this bank provides for increased value of the bank with management and monitoring of the habitat. Therefore, although the Oceanside Subarea Plan requires a 3:1 mitigation ratio for riparian scrub, 2:1 mitigation is proposed for the habitat on site since the mulefat scrub functions as a disturbed wetland, which is subject to 2:1 or 1:1 mitigation for impacts.*

O-5
Cont.

The Wildlife Agencies do not concur with the proposal to reduce the mitigation ratio for impacts to mulefat scrub from 3:1 to 2:1 (MM-BIO-2). Purchase of the offsite mitigation credits at the San Luis Rey Mitigation Bank may be appropriate, but no information is provided to indicate that greater conservation would be encumbered through purchase of those credits sufficient to warrant a reduction in mitigation ratio. The appropriate location and mitigation ratio would normally be determined in coordination with the Department during the Streambed Alteration Agreement review process.

O-6

Mr. Russ Cunningham (FWS/CDFW-SDG-14B0438-15CPA0160)

4

The proposed project site is located within the OMZ and, therefore, impacts to vacant, disturbed land may be subject to a Habitat Development Fee (SAP Section 5.5.2). The final EIR should state whether the project will be subject to this fee.

O-7

MM-BIO-2 (page 4.2-20) states that the San Luis Rey Mitigation Bank is currently occupied by a number of Federal and State listed wildlife species. At this time, the bank does not support listed or sensitive species. Creation and restoration work has just begun and very little native habitat currently occurs within the bank boundaries.

O-8

We appreciate the opportunity to comment on this DEIR. The comments and recommendations provided are based on our knowledge of sensitive and declining vegetation communities in the County of San Diego and our participation in regional conservation planning efforts. We are hopeful that further consultation between you and us will ensure the protection we find necessary for the biological resources that would be affected by this project. If you have questions or comments, please contact Janet Stuckrath of the Service at 760-431-9440, extension 270, or Eric Hollenbeck of the Department at 858-467-2720.

O-9

Sincerely,



Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Gail K. Sevens
Environmental Program Manager
California Department of Fish and Wildlife

Cc: David Lawhead, CDFW

Response to Comment Letter O

Wildlife Agencies

Karen A Goebel, U.S. Fish and Wildlife Service and Gail K Sevrens, California
Department of Fish and Wildlife
April 6, 2015

- O-1** Comment noted.
- O-2** Comment noted.
- O-3** Comment noted.
- O-4** Comment noted.
- O-5** Comment noted.
- O-6** The applicant has coordinated with the California Department of Fish and Wildlife and submitted a Streambed Alteration Agreement notification. The Department received the Notification on December 3, 2014 within which the applicant proposed to mitigate for impacts to 0.08 acre of mulefat scrub at a 2:1 ratio by the purchase of 0.16 acre of riparian habitat located within the San Luis Rey Mitigation Bank (also known as the Singh Property) located on the San Luis Rey River north of State Route 76 and south of North River Road in the City of Oceanside, San Diego County, California. The Department issued a letter on March 10, 2015 indicating that the project may be completed as described in the Notification. As such, the applicant has coordinated with the Department and the Department has indicated that the project may proceed with the mitigation as proposed.
- O-7** The City's Subarea Plan has yet to be formally adopted, and thus no habitat development fee has yet been established. The project will address impacts to sensitive habitat through off-site mitigation, consistent with the standards outlined in the Draft Subarea Plan.
- O-8** This comment is primarily informational in that the bank creation and restoration work has just begun. However, there are a number of special status species that currently use the San Luis Rey Mitigation Bank and with proximity of known locations of special status species, use of the existing vegetation may occur.
- O-9** Comment noted.

INTENTIONALLY LEFT BLANK

Comment Letter P

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to all City Council Members.

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

*It is hard for me to believe that that up
to 420 units will make ^{little or} no impact
whatsoever on our immediate environ-
ment. relative to aesthetics, air quality,
biological resources, cultural resources
recreation, traffic (no 1) and circulation, water
flow and more -*

P-1

Print your name Lone Elser

Date 3/10/15

Complete address 22 Oriole Lane, Oceanside, CA, 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter P

Ione Elsner
March 10, 2015

- P-1** Fully analysis of the commenter's identified environmental resource areas is located in Section 4.1, Aesthetic; 4.2, Air Quality; 4.3, Biological Resources; 4.4, Cultural Resources; 4.8, Hydrology and Water Quality; 4.13, Recreation; 4.14, Traffic and Circulation; and 4.15, Utilities and Service Systems. As disclosed in these sections of the DEIR, the proposed project would result in less than significant impacts and would incorporated mitigation measures to ensure that identified potentially significant impacts would be mitigated to a level below significance. As found through the analysis in the DEIR, all identified impacts would be mitigated to a level below significance through implementation of required mitigation measures. The proposed project would not result in any significant and unmitigable impacts on the environment pursuant to CEQA.

INTENTIONALLY LEFT BLANK

Comment Letter Q

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Storia Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

Mr. Cunningham, Mayor Wood and Council
The D E I R states "no significant or
unmitigable impacts," who are they
kidding? Perhaps they plan a tunnel
or overhead highway to enable the
seniors and fire trucks and manufactured
homes to get in and out?
Since the report is paid for by the
developer, it has little or no
value.

Q-1

Print your name LUCIENNE AUSTIN Date 3-16-15

Complete address 20 BRIDLE LANE OCEANSIDE, CA 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter Q

Lucienne Austin
March 6, 2015

- Q-1** Please refer to Responses to Comments J-3, K-4, and P-1. The comment is noted as it does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter R

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Storia Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

*Re Academy Rd -
Plans show only 2 lanes with
a planted center divider - No room
for passing. Could be long waits
at signals -*

R-1

*ALL ^{COST} LOW AFFORDABLE HOUSING
WE WILL NEED MORE POLICE & FIREMEN.*

R-2

Print your name JENN KOPP

Date 3/22/15

Complete address 13 ORIOLE LANE OCEANSIDE

INTENTIONALLY LEFT BLANK

Response to Comment Letter R

Jean Kopp
March 22, 2015

- R-1** Please refer to Response to Comment G-1.
- R-2** As discussed in Section 4.9.5, Land Use, of the DEIR, only Planning Area 2 is proposed as affordable housing. Impacts to police and fire protection is discussed in Section 4.12.4 of the DEIR. The proposed project would pay required developer fees for public facilities, including police and fire facilities, which would ensure that service is not adversely affected.

INTENTIONALLY LEFT BLANK

Comment Letter S

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

S-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

S-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

S-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

S-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

S-5

Beatrice H. Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Linda Glasscock Paula Rencost
8101 Woodlake Ave
West Hills, CA 91304
91304
1-818-340-7788

INTENTIONALLY LEFT BLANK

Response to Comment Letter S

Linda Glasscock
Original Commenter: Beatrice H. Nelson
March 23, 2015

- S-1** Please refer to Response to Comment M-1.
- S-2** Please refer to Response to Comment M-2.
- S-3** Please refer to Response to Comment M-3.
- S-4** Please refer to Response to Comment M-4.
- S-5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter T

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

T-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

T-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

T-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

T-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late.? The cut-off date to submit our concerns about this proposed project is April 6, 2015

T-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Marylou Cole
225 Bluebird Ln.
Oceanside, Calif
951 5332605

Thank You


INTENTIONALLY LEFT BLANK

Response to Comment Letter T

MaryLou Cole
Original Commenter: Beatrice H. Nelson
March 23, 2015

- T-1** Please refer to Response to Comment M-1.
- T-2** Please refer to Response to Comment M-2.
- T-3** Please refer to Response to Comment M-3.
- T-4** Please refer to Response to Comment M-4.
- T-5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter U

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Storia project to construct their proposed multi-housing development on these 35.59 acres?"

U-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

U-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

U-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

U-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

U-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Don Johnson 3-23-15
Gloria Johnson 3-23-15
26 Hummingbird Ln.
Oceanside, Ca - 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter U

**Don Johnson
Gloria Johnson
Original Commenter: Beatrice H. Nelson
March 23, 2015**

- U-1** Please refer to Response to Comment M-1.
- U-2** Please refer to Response to Comment M-2.
- U-3** Please refer to Response to Comment M-3.
- U-4** Please refer to Response to Comment M-4.
- U-5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter V

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

V-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

V-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

V-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

V-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late.? The cut-off date to submit our concerns about this proposed project is April 6, 2015

V-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Alan Ward 509 319 5554 *ABBY WARD #116 Swallow Lane*
Carolyn R. Dobby #117 Swallow Lane

INTENTIONALLY LEFT BLANK

Response to Comment Letter V

**Rose F. Kilian
Thomas Kilian
Original Commenter: Beatrice H. Nelson
March 23, 2015**

- V-1** Please refer to Response to Comment M-1.
- V-2** Please refer to Response to Comment M-2.
- V-3** Please refer to Response to Comment M-3.
- V-4** Please refer to Response to Comment M-4.
- V-5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter W

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Storia project to construct their proposed multi-housing development on these 35.59 acres?"

W-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

W-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

W-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

W-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late.? The cut-off date to submit our concerns about this proposed project is April 6, 2015

W-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Alan Ward 509 319 5554 *ABBY WARD #116 SWALLOW LANE*
Carolyn R. Dobby #117 SWALLOW LANE

INTENTIONALLY LEFT BLANK

Response to Comment Letter W

Alan Walsh

Abby Walsh

Original Commenter: Beatrice H. Nelson

March 23, 2015

- W-1 Please refer to Response to Comment M-1.
- W-2 Please refer to Response to Comment M-2.
- W-3 Please refer to Response to Comment M-3.
- W-4 Please refer to Response to Comment M-4.
- W-5 Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter X

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

Please and To:
City of Oceanside HPAC
Historic Preservation
Advisory Committee

My Concerns are as follow:

*Do many homes/cars coming out on Academy Rd. with
Traffic problems with the opening of Inyece Rd. with
328 San Luis ^{Homes} Reg; 420 Villa Stora's multifamily homes
and the multitude of cars from Mission Don Luis
Reg + the Church when they have functions coming
out onto Academy Rd. which is very frequent to
Each home has 2 cars at least who knows how many
with multifamily units? Plus, all of the cars from
the church and all of the homes from Pine Ranch
which will be using it for a short time plus the
school traffic. I also do not think we should have
to give any of our property to this project we are very
concerned.*

X-1

Print your name James R Chipp's

Date 5/24/15

Complete address 46 Hamming Blvd Lane Oceanside, CA 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter X

Janet R. Chipps
March 24, 2015

- X-1** Please refer to Response to Comments G-1, H-1, and I-1 regarding potential traffic impacts and analysis. The remainder of the comment is noted.

INTENTIONALLY LEFT BLANK

Comment Letter Y

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

TRAFFIC GOING TOWARD MISSION
& CROSSING MISSION
ALL SENIORS WILL BE USING THAT
ROAD.

Y-1

Print your name CARLEEN LARSON Date 3-24-15

Complete address 285 ROBIN, LANE, OCEANSIDE
CA

INTENTIONALLY LEFT BLANK

Response to Comment Letter Y

Carleen Larson
March 24, 2015

- Y-1** Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).

INTENTIONALLY LEFT BLANK

Comment Letter Z

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Storia Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

To much congestion with HIGH DENSITY
400 Homes, How MANY PER ACRE?

Z-1

One ROAD IN/OUT IMPINGES ON THE
SAFETY of the 326 SENIOR HOMES at
San Luis Rey Homes, Inc.

Z-2

often the FIRE ^{DEPT} comes into The SENIOR
Homes to Rescwe or provide EMERGENCY
Assistance to Residences.

When they cannot get in timely
will council come to Assist when there
IS A preventable Death because of
Congestion on 1 access ROAD.

Z-3

Print your name KAREN E HERMINGWAY Date 3/25/15

Complete address 226 Bluebird LN Oceanside, CA 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter Z

Karen E. Hemmingway
March 25, 2015

- Z-1** Please refer to Table 3-1 in Chapter 3, Project Description for a land use breakdown for the project. Over the entire project site, the proposed project would have a density of 11.8 dwelling units per acre.
- Z-2** Please refer to Response to Comment J-3.
- Z-3** Please refer to Response to Comment J-3.

INTENTIONALLY LEFT BLANK

Comment Letter AA

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Storia Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

OUR SAFETY AND HEALTH
to QUALITY OF LIFE IS IN
DANGER OF BEING LOST
FOREVER (IN SLRKH SENIOR
PARK)

AA-1

Print your name Alan Mond Date 3/25/15
Complete address 56 HUMPHREYS LN
OCEANSIDE, CA 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter AA

Alan Murd
March 25, 2015

- AA-1** Comment noted. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter AB

City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

1. Too much Noise
2. Possible illegal or undocumented
3. Traffic Congestion

| AB-1
| AB-2
| AB-3

Print your name DARLENE JOHNSON Date 3-26-15
 Complete address 14 ORIOLE LANE

INTENTIONALLY LEFT BLANK

Response to Comment Letter AB

Darlene Johnson
March 26, 2015

- AB-1** Please refer to Response to Comment M-5 regarding noise.
- AB-2** Comment noted.
- AB-3** Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).

INTENTIONALLY LEFT BLANK

Comment Letter AC

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

AC-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

AC-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

AC-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

AC-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

AC-5

Bea Nelson 3-23-15

Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Ann E Paul 3-26-15

86 PHEASANT LANE
OCEANSIDE, CA 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter AC

Ann E. Paul

Original Commenter: Beatrice H. Nelson

March 26, 2015

AC-1 Please refer to Response to Comment M-1.

AC-2 Please refer to Response to Comment M-2.

AC-3 Please refer to Response to Comment M-3.

AC-4 Please refer to Response to Comment M-4.

AC-5 Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter AD

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Storia project to construct their proposed multi-housing development on these 35.59 acres?"

AD-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

AD-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

plus 2000 new units = 20

AD-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

AD-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

AD-5

Bea Nelson 3-23-15
 Beatrice H. Nelson
 287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Janet Chippe - 46 Hummingbird Lane Oceanside 92057 3/24/15
Louise Reed 46 Hummingbird Lane Oceanside 92057 3/24/15

INTENTIONALLY LEFT BLANK

Response to Comment Letter AD

Janet Chipps

Jennifer Roel

Original Commenter: Beatrice H. Nelson

March 26, 2015

AD-1 Please refer to Response to Comment M-1.

AD-2 Please refer to Response to Comment M-2.

AD-3 Please refer to Response to Comment M-3.

AD-4 Please refer to Response to Comment M-4.

AD-5 Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter AE

22

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

AE-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

AE-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

AE-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

AE-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

AE-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

X Darland Fineman date 3-26-15
SPACE AIR, ORIOLE LANE

INTENTIONALLY LEFT BLANK

Response to Comment Letter AE

Darlene Johnson
Original Commenter: Beatrice H. Nelson
March 26, 2015

- AE-1** Please refer to Response to Comment M-1.
- AE-2** Please refer to Response to Comment M-2.
- AE-3** Please refer to Response to Comment M-3.
- AE-4** Please refer to Response to Comment M-4.
- AE-5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter AF

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

*I am a man of 92 yrs old, Lived in SLRH
for the Past 30 some odd years and I'll be
damned if I care to be hemmed in SLRH
my remaining 9 years.
L.E. Pearce*

|
AF-1
|

Print your name L. E. Pearce

Date 3-26-15

Complete address 251 Starling Ln Oceanside CA 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter AF

L.E. Pearce
March 30, 2015

- AF-1** Comment noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter AG

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

Whatever happened to the General Plan
of this City? Our park was here first
and most of us are elderly with many
medical issues. Why isn't this City
protecting us from greedy developers
filling up every inch of open space with
anything they want?

AG-1

Print your name KATHERINE SIMOK Date 3-26-15

Complete address 21 ORIOLE LN, OCEANSIDE, CA, 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter AG

Katherine Simon
March 26, 2015

- AG-1** Comment noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter AH

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

AH-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

AH-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

AH-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

AH-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late.? The cut-off date to submit our concerns about this proposed project is April 6, 2015

AH-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Jack Joseph

J. Joseph
3-27-15

INTENTIONALLY LEFT BLANK

Response to Comment Letter AH

Jack Joseph
Original Commenter: Beatrice H. Nelson
March 27, 2015

- AH-1** Please refer to Response to Comment M-1.
- AH-2** Please refer to Response to Comment M-2.
- AH-3** Please refer to Response to Comment M-3.
- AH -4** Please refer to Response to Comment M-4.
- AH -5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter A1

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

AI-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

AI-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

AI-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

AI-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

AI-5

Bea Nelson 3-23-15

Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Dana H. Montgomery
47 Hammingbird Lane
Oceanside, Ca. 92057

3-27-2015

INTENTIONALLY LEFT BLANK

Response to Comment Letter AI

Anna H. Montgomery
Original Commenter: Beatrice H. Nelson
March 27, 2015

- AI-1** Please refer to Response to Comment M-1.
- AI-2** Please refer to Response to Comment M-2.
- AI-3** Please refer to Response to Comment M-3.
- AI-4** Please refer to Response to Comment M-4.
- AI-5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter AJ

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

We ARE RUNNING out of water AND IN
A drought so we don't need more houses.

AJ-1

Print your name EVIE COATES Date 3-28-15

Complete address 325 Killdeer Ln, Oceanside, CA 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter AJ

Evie Coates
March 28, 2015

AJ-1 Please refer to Response to Comment E-30, E-31, and F-9.

INTENTIONALLY LEFT BLANK

Comment Letter AK

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

AK-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

AK-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

AK-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

AK-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

AK-5

Bea Nelson 3-23-15

Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

*Jouane Lepton
7 Oriole Dr. 3-28-15
Oceanside*

INTENTIONALLY LEFT BLANK

Response to Comment Letter AK

Joanne Lipton
Original Commenter: Beatrice H. Nelson
March 28, 2015

- AK-1** Please refer to Response to Comment M-1.
- AK-2** Please refer to Response to Comment M-2.
- AK-3** Please refer to Response to Comment M-3.
- AK-4** Please refer to Response to Comment M-4.
- AK-5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter AL

To: SLRH Owners
From: Committee on "NO" to Villastoria
A High Density Development

Please lend your support to "Oppose" the rezoning of the 37 acres West and East of Academy Road for the medium and high density project. Integral Communities has submitted plans to Oceanside Planning Department to build 394 to 568 units in this Mission San Luis Rey National Historic site and Historic Core areas. The 37 acres now zoned IP [public usage such as a school or a park] and R1.

AL-1

On April 8, 2013 Integral Communities presented a plan called Villastoria to the Oceanside City Planning Department. This plan does not address issues of additional traffic.

1. Traffic could create a bottle neck for the entrance to SLRH.
2. Frazee Road [now blocked] and Academy Road to River Ranch and beyond.
3. Plan submitted does not include widening Academy Road, now only 2 lanes, to accommodate the increase in traffic. All ingress and egress from 328 SLR Homes, 200 River Ranch Homes, the proposed 556 Villastoria Homes and all other traffic from the East have not been considered.
4. Plan submitted does not provide for a traffic signal onto Mission Avenue.
5. High traffic from San Luis Rey Parish and Old Mission Montessori School on the weekends along with many special events has been ignored.

AL-2

Please speak against this Rezoning and this Project by signing and mailing the attached letter to Oceanside Planning Department.

Copies from the Villastoria Project/Plan are on the SLRH Club House Bulletin Board for your information or call Ione Elsner 760 757 8757.

AL-3

Danielle Elasseck
Danielle Elasseck
8101 Wadala Ave
West Hills CA 91304
3-29-15

INTENTIONALLY LEFT BLANK

Response to Comment Letter AL

Danielle Glasscock
March 29, 2015

AL-1 Comment noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

AL-2 Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3 responses to concerns of traffic impacts. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).

The commenter is correct in stating that Frazee Road is now blocked at Academy Road. As described throughout the DEIR, the proposed project would remove the existing barriers at this intersection to allow for additional ingress/egress.

Please specifically refer to Response to Comment I-1 regarding the consideration of existing traffic. Please note that the commenter is incorrect in stating that 556 homes are proposed. A maximum of 420 homes are proposed.

Mitigation measure MM-TRA-1 requires a signal to be provided at the Mission Avenue / Academy Road intersection.

AL-3 Comment noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter AM

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Storia Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

my elderly mother will be unable to tolerate the added air pollution, traffic, noise etc. She is frail, and cant move out to escape this either.

AM-1

The density of proposed project is far too excessive for the topography and life style of existing land. It will become a concrete jungle and traffic night mare for everyone. There needs to be significant reduction in size & scope. People in this park will be injured, emergency services impacted significantly. ~~single family house~~ The

AM-2

AM-3

Print your name Linda Glasscock Date 3-29-15

Complete address 8101 Woodlake Ave West Hills CA 91304
1-818-307-5488

zoning needs to be kept as is, in order to protect the health & welfare of everyone.

INTENTIONALLY LEFT BLANK

Response to Comment Letter AM

Linda Glasscock
March 29, 2015

- AM-1** Fully analysis of the commenter's identified environmental resource areas is located in 4.2, Air Quality, 4.10, Noise, and 4.14, Traffic and Circulation. As disclosed in these sections of the DEIR, the proposed project would result in less than significant impacts and would incorporated mitigation measures to ensure that identified potentially significant impacts would be mitigated to a level below significance.
- AM-2** Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).
- The comment regarding the proposed change in land use and density is noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project.
- AM-3** Discussion of safety and emergency services is provided in Section 4.12, Public Services, and Section 4.14, Traffic and Circulation. Please refer to Responses to Comments I-2 and J-3.

INTENTIONALLY LEFT BLANK

Comment Letter AN

To: SLRH Owners
From: Committee on "NO" to Villastoria
A High Density Development

Please lend your support to "Oppose" the rezoning of the 37 acres West and East of Academy Road for the medium and high density project. Integral Communities has submitted plans to Oceanside Planning Department to build 394 to 568 units in this Mission San Luis Rey National Historic site and Historic Core areas. The 37 acres now zoned IP [public usage such as a school or a park] and R1.

AN-1

On April 8, 2013 Integral Communities presented a plan called Villastoria to the Oceanside City Planning Department. This plan does not address issues of additional traffic.

1. Traffic could create a bottle neck for the entrance to SLRH.
2. Frazee Road [now blocked] and Academy Road to River Ranch and beyond.
3. Plan submitted does not include widening Academy Road, now only 2 lanes, to accommodate the increase in traffic. All ingress and egress from 328 SLR Homes, 200 River Ranch Homes, the proposed 556 Villastoria Homes and all other traffic from the East have not been considered.
4. Plan submitted does not provide for a traffic signal onto Mission Avenue.
5. High traffic from San Luis Rey Parish and Old Mission Montessori School on the weekends along with many special events has been ignored.

AN-2

Please speak against this Rezoning and this Project by signing and mailing the attached letter to Oceanside Planning Department.

AN-3

Copies from the Villastoria Project/Plan are on the SLRH Club House Bulletin Board for your information or call Ione Elsner 760 757 8757.

*Nicolas Gaspard 8101 Woodlake Ave
West Hills CA 91304
3-29-15*

INTENTIONALLY LEFT BLANK

Response to Comment Letter AN

Nicole Glasscock
March 30, 2015

AN-1 Please refer to Response to Comment AL-1.

AN-2 Please refer to Response to Comment AL-2.

AN-3 Please refer to Response to Comment AL-3.

INTENTIONALLY LEFT BLANK

Comment Letter AO

City of Oceanside Planning Department
300 N. Coast Highway
Oceanside, CA 92054

Re: Opposition to proposed Rezoning of Oceanside's General Plan
And the 37 acres West and East of Academy Road

Attention: Russell Cunningham, Sr. Planner

I/we are neighbors of the proposed plan called Villastoria submitted by Integral Communities to the Planning Department on April 8, 2013. The plan/project proposes to build 394 to 586 units on 37 acres West and East of Academy Road.

- The plan does not address the problems of the increased traffic on Academy Road, does not widen Academy Road or install a traffic signal at the Mission/Academy intersection.
- The plan does not address paving or improving the road in front of the Alano Club.
- The plan does not address the inadequate water drainage and run off to the present system but instead wants all the water drainage from the project to flow into the present system which now floods every time it rains.
- The plan does not adequately honor the Development Program of the Mission San Luis Rey Historic Plan of 1986.
- The plan does not address many other issues too numerous to mention here.

Please consider retain the present zoning PI [Private Institutional] and developing a school or park or something that will be a benefit to the citizens of Oceanside.

Sincerely,

William R. Glasscock *William R. Glasscock* *501 Woodlark Ave West Hills CA 91307* *3-29-15*

Print Name Sign Name Address Date

AO-1

AO-2

AO-3

AO-4

AO-5

AO-6

AO-7

INTENTIONALLY LEFT BLANK

Response to Comment Letter AO

William Glasscock
March 29, 2015

- AO-1** Comment noted.
- AO-2** Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).
- The commenter is correct in noting that Academy Road would remain a two lane roadway. However, Academy Road would have an expanded right-of-way that would vary from 60 to 70 feet in width. The enhanced right-of-way would provide for two vehicle travel lanes (one in each direction) with Class II bicycle lanes, and landscaping along both sides of the street. The commenter is incorrect in stating that a signal would not be installed at Mission Avenue / Academy Road as this would be required by mitigation measure MM-TRA-1.
- AO-3** As discussed in Section 3.3.3.1, half of the private drive (Chapter Lane) sits within the property, with the other half of the private drive belonging to the properties immediately to the north of the project site. The project would dedicate additional area along the northern boundary of Planning Area 3 for half width roadway and sidewalk improvements. This would allow for a 30-foot wide travel lane area with a five-foot wide curb adjacent sidewalk along its south side. An additional five feet of landscape area would be provided to the interior of the sidewalk.
- AO-4** Water drainage and runoff is discussed in Section 4.8, Hydrology and Water Quality. As discussed in Section 4.8.3 and shown on Figures 4.8-2a and 4.8-2b, the project would include new stormwater drainage basins and other improvements, which would be in addition to existing stormwater drainage facilities. The proposed drainage systems are designed to adequately contain stormwater flows from the project site.
- AO-5** Please refer to Section 4.1, Aesthetics (specifically Section 4.1.4, Threshold Question C), and Section 4.9, Land Use (specifically Section 4.9.5, Threshold Question B) for a full analysis of the project's consistency with the Mission San Luis Rey Historic Area Development Program and Design Guidelines. As discussed in Sections 4.1 and 4.9, the project would be consistent with the Development Program and Design Guidelines.

AO-6 Comment noted. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

AO-7 Comment noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

Comment Letter AP

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Storis project to construct their proposed multi-housing development on these 35.59 acres?"

AP-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

AP-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

AP-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

AP-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

AP-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

William R Glasscock *W. Glasscock* *801 Woodlake*
West Hills CA
91304
3-29-15

INTENTIONALLY LEFT BLANK

Response to Comment Letter AP

William Glasscock
Original Commenter: Beatrice H. Nelson
March 29, 2015

- AP-1** Please refer to Response to Comment M-1.
- AP -2** Please refer to Response to Comment M-2.
- AP -3** Please refer to Response to Comment M-3.
- AP -4** Please refer to Response to Comment M-4.
- AP -5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter AQ

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Storia project to construct their proposed multi-housing development on these 35.59 acres?"

AQ-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

AQ-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

AQ-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

AQ-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

AQ-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Steve Guindy *Steve Guindy* *Vista Way*
Vista CA
3-29-15

INTENTIONALLY LEFT BLANK

Response to Comment Letter AQ

Steve Guidry
Original Commenter: Beatrice H. Nelson
March 29, 2015

- AQ-1** Please refer to Response to Comment M-1.
- AQ-2** Please refer to Response to Comment M-2.
- AQ-3** Please refer to Response to Comment M-3.
- AQ-4** Please refer to Response to Comment M-4.
- AQ-5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter AR

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

AR-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

AR-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

AR-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

AR-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and lone Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

AR-5

Bea Nelson 3-23-15
Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:
If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

*Brigitte Ottaviano Brigitte Ottaviano 2238 Bluebird Way
OC, CA 92654
3-29-15*

INTENTIONALLY LEFT BLANK

Response to Comment Letter AR

Brigette Ottaviano
Original Commenter: Beatrice H. Nelson
March 29, 2015

- AR-1** Please refer to Response to Comment M-1.
- AR -2** Please refer to Response to Comment M-2.
- AR-3** Please refer to Response to Comment M-3.
- AR-4** Please refer to Response to Comment M-4.
- AR-5** Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter AS

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

*My mother lives in the mobile park
and if this project goes through, I am
seriously concerned for her health and
safety.*

AS-1

*Traffic
crime
noise pollution
air "
inadequate water
inadequate Police,
" Fire
" Paramedics*

AS-2

Print your name SCOTT AUSTIN Date 3-30-15

Complete address 33226 OceanBright Dana Point Ca.
92629

INTENTIONALLY LEFT BLANK

Response to Comment Letter AS

Scott Austin
March 30, 2015

AS-1 Discussion of safety and emergency services is provided in Section 4.12, Public Services, and Section 4.14, Traffic and Circulation. Please refer to Responses to Comments I-2 and J-3.

Noise is discussed in Section 4.10, Noise, of the DEIR. Project related construction and proposed land uses (and related on-site activities such as landscaping and parking areas) would not exceed City of Oceanside Noise Element and Noise Ordinance thresholds. Also as identified in Section 4.10, project related traffic noise would not result in significant noise impacts to San Luis Rey Homes.

Fully analysis of the commenter's identified environmental resource areas is located in 4.2, Air Quality, 4.10, Noise, and 4.14, Traffic and Circulation. As disclosed in these sections of the DEIR, the proposed project would result in less than significant impacts and would incorporated mitigation measures to ensure that identified potentially significant impacts would be mitigated to a level below significance.

AS-2 Regarding water supply, please refer to Response to Comment E-30 and Section 4.15, Utilities and Service Systems of the DEIR. Please also refer to Response to Comment AS-1.

INTENTIONALLY LEFT BLANK

Comment Letter AT

TOWHOM IT MAY CONCERN:

I saw a speeding ambulance, siren blaring, on Mission Ave., and thought: "If it were answering an emergency call from SLRH, Inc. (our park) how would its response time be affected by the traffic it will encounter on Academy Rd. if the City allows a change of the existing Heritage/Archeological zoning of the property on each side of Academy Rd. to allow the Villa Stora project to construct their proposed multi-housing development on these 35.59 acres?"

AT-1

This is NOT a political issue! It is a matter of the safety and well-being of all residents of our Park. If this zoning change goes through, we may be heading for a HUGE CATASTROPHE! This is a deadly serious matter which needs to be addressed NOW, before it is too late.

AT-2

The public notice we each received of the Environmental Impact Report (EIR) lists 62 Single Family Units, 86 Single Family Cluster Homes totaling 148, plus 100 Townhome or Multi-Family Attached Units, and 172 Multi-Family Attached Dwelling Units. These 272 plus the 148 total the 420 given in the report; but what is the true total of individual units when those listed as multi-family may be 2 or 3 stories, thus housing a much greater total of individual residences? The true impact could possibly be a thousand or more vehicles daily that would be either entering Academy from Mission Ave., or exiting from the East on Frazee, the West, from the road past the Alano Club, and from the 328 residences in our Park, all converging just a short distance from our gates onto Academy. Recently a driver, exiting non-stop from the west, slammed on his brakes just inches from hitting my car broadside. The expression of shock on his face mirrored the fright it gave me!

AT-3

Please read the paragraph titled "ENVIRONMENTAL IMPACTS" on the back page of the report we each received. This lists all the possible impacts resulting from the proposed project, and concludes with: "NO SIGNIFICANT AND UNMITIGABLE IMPACTS HAVE BEEN IDENTIFIED BY THE DRAFT EIR." That conclusion is IMPOSSIBLE!!! Most of the possible impacts listed would affect us greatly!!!

AT-4

We seniors purchased into this community with a feeling of assurance of safety, security, little noise or pollution, rapid and timely responses to our very frequent emergency calls, etc. Many of us are disabled, or have health problems, and most expect to spend the remaining time of our lives here. All of this could now be in jeopardy. What are we doing to help Lucien Austin and Ione Elsner with their petitions to stop this project before it is too late? The cut-off date to submit our concerns about this proposed project is April 6, 2015

AT-5

Bea Nelson 3-23-15

Beatrice H. Nelson
287 Robin Ln., Oceanside, CA 92057

Recipient PLEASE NOTE:

If you wish, you may use the above to submit rather than rewriting to send in your own letter:

I (we) the undersigned submit the above statements as stating our concerns and as a petition to speak for our wishes in the matters stated above: (Sign below with your name, address and date)

Thyllis Inuceo, 328 Hillside Ln., Oceanside, CA 92057 3/30/15

INTENTIONALLY LEFT BLANK

Response to Comment Letter AT

Phillis Trucco
Original Commenter: Beatrice H. Nelson
March 30, 2015

AT-1 Please refer to Response to Comment M-1.

AT-2 Please refer to Response to Comment M-2.

AT-3 Please refer to Response to Comment M-3.

AT-4 Please refer to Response to Comment M-4.

AT-5 Please refer to Response to Comment M-5.

INTENTIONALLY LEFT BLANK

Comment Letter AU

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Stora Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

The ~~EIR~~ EIR didn't report accurately
the number of auto's and traffic
on Chapter Way that is used by
the San Luis Rey Parish. The
church contributes about 90% to 95% of
the current traffic using Chapter way.
On special events there are hundreds
of cars and parking even on Chapter
Way. making it difficult for residents
to enter and exit their residences.

AU-1

Print your name FORE ELSNER Date 4/3/15

Complete address 32 ORIOLE LANE
OCEANSIDE, CA 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter AU

Ione Elsner
March 30, 2015

- AU-1** Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3 responses to concerns of traffic impacts. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).

INTENTIONALLY LEFT BLANK

Comment Letter AV

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Storia Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

My Concerns are as follow:

- ① NOISE POLLUTION
- ② CONGESTION-TRAFFIC
- ③ CONGESTION- people & PETS
- ④ UNITS PACKED LIKE SARDINES IN A CAN
- ⑤ POSSIBLY MORE CRIME
- ⑥ PERFER SENIOR HOUSING

Print your name Trudy STRAUSBAUGH Date 4/3/15

Complete address 124 SWALLOW, OCEANSIDE, CA 92057

INTENTIONALLY LEFT BLANK

Response to Comment Letter AV

Trudy Strasubaugh
April 3, 2015

- AV-1** Noise is discussed in Section 4.10, Noise, of the DEIR. Project related construction and proposed land uses (and related on-site activities such as landscaping and parking areas) would not exceed City of Oceanside Noise Element and Noise Ordinance thresholds.
- AV-2** Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).
- AV-3** Comment noted. Please refer to Response to Comment AV-2. Additionally, it is unclear as to what is meant by congestion resulting from pets. However, pets are not typically analyzed under CEQA. Please refer to CEQA Guidelines Section 15064.
- AV-4** The comment regarding the proposed change in land use and density is noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project. Please also refer to Responses to Comments F-2 and F-9.
- AV-5** Impacts to City services are discussed in Section 4.12, Public Services, of the DEIR. As discussed in Section 4.12, the proposed project would result in an incremental permanent increase in the demand for police protection. However, payment of Public Facility Impact Fees, which provide funding to City services to minimize impact from new development would be paid by the project applicant. The payment of required fees would provide funding to the City and the District in order to adequately serve development. Please also refer to Response to Comment K-3.
- AV-6** Comment noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter AW

Russ Cunningham

From: Fred Berman <fred.berman@att.net>
Sent: Saturday, April 04, 2015 8:14 PM
To: Russ Cunningham
Subject: Draft Environmental Impact Report Villa Storia (SCH 2014051018)

Dear Mr. Cunningham:

As residents of the River Ranch Community adjacent to the proposed Villa Storia project my wife and I wish to register our objections to the project. Having never done anything like this before I am not sure what the procedure is other than what I learned in the notification form we were sent. For this reason I will state in general terms the problems highlighted by the Environmental Impact Report. The problems can be divided into five areas:

1. The report states there are approximately 25 species of animals and n snakes were seen. The fields are teeming with wildlife, most likely thousands of rodents which are abundantly visible. There are snakes as well. I asked their community meeting what the plan was for them and they said they would find out but I heard nothing. If these fields are dug without a relocation plan River Ranch, the Mission and Trailer Park will be overrun at great harm to property and t the health and wellbeing of the residents. Is there a provision for remunerations and lawsuits that will inevitably occur? Will the commission require a plan before approving a zoning change?
2. We believe it will do irreparable damage to one of the oldest and most revered cultural and religious sites in California, Mission San Luis Rey, founded at the end of the 18th century.
3. I believe some of the area in the planned community may be built over sacred burial grounds. Has this been investigated?
4. Those of us in the surrounding communities made the decision to purchase, in part, by the local zoning. We see no compelling reason to change the current regulations that are in place. It will cause a terribly unsafe and different conditions for the current residents which include a large number of children. It may also cause a devaluation of property values.
5. In light of new water restrictions and climate change possibly creating a permanent arid climate this should be re-evaluated.

AW-1

AW-2

AW-3

AW-4

AW-5

AW-6

Thank you for registering our objections.
Best regards.

Fred & Linda Berman
317 Spring Canyon Way
Oceanside, CA 92057
Cell: 757-637-5158

INTENTIONALLY LEFT BLANK

Response to Comment Letter AW

Fred Berman
Linda Berman
April 4, 2015

- AW-1** Comment noted.
- AW-2** As stated in Section 4.3.2.2, a total of 21 wildlife species were observed on the proposed project site with the majority of the species birds. The only mammal observed as The only mammal species observed was the California ground squirrel (*Spermophilus beecheyi*) and common reptile species, though not observed, are expected to occur. Further, no candidate, sensitive, or special-status wildlife species are expected to have high or moderate potential to occur. CEQA does not require mitigation and planning for the relocation and minimization of impacts to species that are not considered candidate, sensitive, or special-status.
- AW-3** Please refer to Section 4.1, Aesthetics (specifically Section 4.1.4, Threshold Question C), and Section 4.9, Land Use (specifically Section 4.9.5, Threshold Question B) for a full analysis of the project's consistency with the Mission San Luis Rey Historic Area Development Program and Design Guidelines. As discussed in Sections 4.1 and 4.9, the project would be consistent with the Development Program and Design Guidelines.
- AW-4** Impacts to cultural resources are discussed in Section 4.4 of the DEIR. As stated in Section 4.4.3, An updated records search was conducted at the SCIC and the Caltrans Extended Phase 1 testing report along with the previous Affinis survey report were reviewed The Native American Heritage Commission (NAHC) was contacted for a Sacred Lands File Check and a list of Native American contacts. Letters were sent to the contacts listed by the NAHC. Additionally, the project site was surveyed for cultural resources by Affinis archaeologists Andrew Giletti and Kristina Davison with Ray Castañeda of Savings Sacred Sites (Native American monitor) on December 18, 2012.

Records searches conducted at the South Coastal Information Center (SCIC) show a number of archaeological sites recorded in the vicinity, most notably Mission San Luis Rey (CA-SDI-241) and CA-SDI-5422, a large habitation site associated with occupation of the Mission. Other sites in the area include remnants of historic ranches, some including historic structures, as well as Native American habitation sites or camp sites associated with the Mission or the large residential base located in the area prior to the arrival of the Spanish. A portion of CA-SDI-5422 is located

within the project site. The exact location is confidential to ensure preservation of the identified resource.

Since there is potential for unknown archeological resources to exist in the underlying soils within the proposed project boundaries, a cultural resources monitoring program provided in mitigation measure MM-CUL-1, as recommended by the cultural resources report, shall be implemented. With the implementation of a cultural resources monitoring program, impacts would be reduced to less than significant.

AW-5 Comment noted. Per CEQA Guidelines Section 15131, economic and social effects are not treated as significant effects on the environment. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

AW-6 Please refer to Response to Comment E-30, E-31, and F-9. Climate change is addressed within Section 4.6, Greenhouse Gas Emissions, of the DEIR. For detailed responses about the proposed project's GHG analysis, please refer to Responses to Comments, D-7, and E-9 through E-19.

Comment Letter AX

Brad & Jan Lovett
182 FLICKER LANE
OCEANSIDE, CA 92057
brlovett@gmail.com
April 4, 2015

Russ Cunningham, Senior Planner
300 N. Coast Highway
Oceanside, CA 92057

Dear Mr, Cunningham,

Re: Villa Storia-SCH 201451018

A number of residents of San Luis Rey Homes expressed appreciation for the meeting you recently conducted at our clubhouse concerning the proposed Villa Storia Project.

AX-1

Many have serious concerns about the impact of this development on such a traditionally historic area and in a part of Oceanside that has been primarily zoned for single family homes. It would seem that there must be a change in zoning for the Western part of the development.

Single Lanes of Traffic: Academy Road is the only ingress/egress leading to the entrance of our senior mobile home park (328 units). As we understand it, Academy will continue to have one lane of traffic each direction for its' entire length, rather than two lanes. A single "round about" intersection will be used for ingress/egress to both sides of the development. During Mission events, anyone attempting a left hand turn will potentially stop the flow of traffic.

AX-2

Frazee Road: In addition to the new 420 dwelling units using this small road, **Frazee Road will now be connected to Academy Road.** Frazee Rd will then become the most expedient ingress/egress to Mission Ave. for another 400 dwelling units located on both sides of Frazee Rd. (map attached).

AX-3

Nichols Elementary School: Also, with the connecting of Frazee Rd, traffic will be impacted by the Nichols Elementary school (1000 students & staff), with parents needing to drop off/pickup their children. One parent remarked on a Nichols school blog, "*The only downside of the school in the parking there is very little parking spaces and people often park on the street 1/4 mile away and drivers with no patience end up passing on the other side right into traffic.*"

AX-4

Religious Events: Even now, special religious events or "holidays" at San Luis Rey Mission, create a traffic "nightmare", with a solid line of cars from the Mission going South on Academy Rd to Mission Ave. With the opening of Frazee Road, Chapter Lane will be used as daily ingress/egress for the Parish, the church, the Catholic School (Montessori) and the Mission.



Traffic from Chapter Lane turning South on Academy Rd to Mission Ave.

AX-5

Thank You for the time and effort you have expended on behalf of all of our residents as well as other interested parties.

Sincerely,

Brad & Jan Lovett

P.S.-Please freely share this with any officials with an interest in this subject—Thanks

INTENTIONALLY LEFT BLANK

Response to Comment Letter AX

**Brad Lovett
Jan Lovett
April 4, 2015**

- AX-1** Comment noted.
- AX-2** The commenter is correct in noting that Academy Road would remain a two lane roadway. However, Academy Road would have an expanded right-of-way that would vary from 60 to 70 feet in width. The enhanced right-of-way would provide for two vehicle travel lanes (one in each direction) with Class II bicycle lanes, and landscaping along both sides of the street. These improvements result in a capacity of 7,500 ADT. The buildout forecast ADT on Academy Road is 4,013 ADT, well within the capacity of the road. (See Section 13.1 of the Traffic Impact Analysis included as Appendix J or the DEIR) The provision of a roundabout along Academy Road traffic will not need to stop when turning left from Academy Road onto the project's east/west spine road.
- AX-3** As discussed in Section 4.14.1 of the DEIR, with the connection of Frazee Road to Academy Road, it was assumed that approximately 5% of existing traffic from Old Grove Road and 10% of existing traffic from Frazee Road would use Academy Road to ultimately reach the commercial uses along Mission Avenue. The Traffic Impact Analysis prepared for the project, included as Appendix J of the DEIR, contains an analysis of all study area intersections and street segments both with and without the Frazee connection. Academy Road has sufficient capacity to accommodate the additional traffic generated by the project and due to the connection of Frazee Road as discussed in Section 13.1 of the Traffic Impact Analysis and Section 4.14.5 of the DEIR.
- AX-4** Discussion of traffic impacts is provided in Section 4.14, Traffic and Circulation. As part of the traffic analysis, the existing operations of the project traffic study area is determined; this includes traffic generated by existing surrounding land uses such as San Luis Rey Homes and commercial centers. This also includes traffic generated by Nichols Elementary School and traffic that will be rerouted as a result of the connection of Frazee Road and Academy Road. The existing intersection and roadway segment operations (summarized in Tables 4.14-7 and 4.14-8) are utilized in all traffic analysis scenarios provided in Section 4.14. Existing AM (7:00 AM - 9:00 AM) and PM (4:00 PM - 6:00 PM) peak hour ADT volumes were collected in December 2012 while schools were in session. Table 4.14-6 below shows existing roadway segments ADT. Figure 4.14.-2 shows existing ADTs and intersection

AM/PM peak hour turning movements. All internal roadway segments, intersections, and improvements to existing facilities would be required to comply with the Oceanside Traffic Code to ensure proper design and safety.

AX-5 It is acknowledged that Mission San Luis Rey and the adjacent Parish occasionally hold events which may result in an increase in traffic when compared to a typical day. However, the DEIR is tasked to disclose the potential traffic impacts of an average day, not a select number of days out of the year. Please refer to Response to Comment I-1.

Comment Letter AY

Russ Cunningham

From: K Private <kprivate3@gmail.com>
Sent: Sunday, April 05, 2015 11:22 AM
To: Russ Cunningham
Subject: Villa Storia information
Attachments: CCF04032015_00000.pdf

Hello Russ, I sent some information to SLRH Board and I thought you might like some it as well. There was a meeting on Friday Buccola Engineering, Ninia, Ione, Lucienne, Steve & I just before our big meeting that you attend on Monday. Ione, Dave & Phil met on Thursday or Friday. Steve & I met with you also this week so it was quite a busy week.

AY-1

When we met at the city, I was very dismayed by what the Traffic Engineer said and it brought to mind what the Board spoke to you about last year regarding trying to correct problems before they occur with regard traffic in particular. Apparently none of us knew the city would not try to mitigate the hug traffic jam that will be created by the traffic to and from the Diocese property most of the time. The way of life of the elderly in our community will be changed dramatically.

AY-2

My take on it is that even when this subject is brought up then it will just not of any consequence at this time. It is quite well known that there will be traffic problems and if these are not address now them in the future whether they can be handled will depend on the financial ability of the city, politics and if anyone will listen to the old people that no one seems to be listening to at this time.

AY-3

I am attaching a copy of the close up of the cul-de-sac which is probably a work in progress since it leaves Ione & Dave's property land locked. Harrison Ealy's property has no entry to the garage and has no parking. That is unless these properties are expected to drive over a rounded curb or berm all the time which does not seem equitable. Yet there seems to be a 2 lane drive or road entrance to the Diocese property.

AY-4

The next to the last paragraph addresses an attitude that seems harmful to a harmonious outcome for the negotiations that are needed. I thank you for all the time you have given to the concerns that have been expressed. I hope you are enjoying your Easter weekend and I look forward to talking with you again, Kitty

AY-5

Phil Buccola, of Buccola Engineering has provided the documents listed below.

Copies are in the office. Please let me know if you want a set and I will get them to you.

AY-6

Tentative Track Map & Development Plan for Villa Storia – pages 10 + 1

Comment Letter AY

Russ Cunningham

From: K Private <kprivate3@gmail.com>
Sent: Sunday, April 05, 2015 11:22 AM
To: Russ Cunningham
Subject: Villa Stora information
Attachments: CCF04032015_00000.pdf

Hello Russ, I sent some information to SLRH Board and I thought you might like some it as well. There was a meeting on Friday Buccola Engineering, Ninia, Ione, Lucienne, Steve & I just before our big meeting that you attend on Monday. Ione, Dave & Phil met on Thursday or Friday. Steve & I met with you also this week so it was quite a busy week.

AY-1

When we met at the city, I was very dismayed by what the Traffic Engineer said and it brought to mind what the Board spoke to you about last year regarding trying to correct problems before they occur with regard traffic in particular. Apparently none of us knew the city would not try to mitigate the hug traffic jam that will be created by the traffic to and from the Diocese property most of the time. The way of life of the elderly in our community will be changed dramatically.

AY-2

My take on it is that even when this subject is brought up then it will just not of any consequence at this time. It is quite well known that there will be traffic problems and if these are not address now them in the future whether they can be handled will depend on the financial ability of the city, politics and if anyone will listen to the old people that no one seems to be listening to at this time.

AY-3

I am attaching a copy of the close up of the cul-de-sac which is probably a work in progress since it leaves Ione & Dave's property land locked. Harrison Ealy's property has no entry to the garage and has no parking. That is unless these properties are expected to drive over a rounded curb or berm all the time which does not seem equitable. Yet there seems to be a 2 lane drive or road entrance to the Diocese property.

AY-4

The next to the last paragraph addresses an attitude that seems harmful to a harmonious outcome for the negotiations that are needed. I thank you for all the time you have given to the concerns that have been expressed. I hope you are enjoying your Easter weekend and I look forward to talking with you again, Kitty

AY-5

Phil Buccola, of Buccola Engineering has provided the documents listed below.

Copies are in the office. Please let me know if you want a set and I will get them to you.

Tentative Track Map & Development Plan for Villa Stora – pages 10 + 1

AY-6

Response to Comment Letter AY

K Private
April 5, 2015

- AY-1** Comment noted. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.
- AY-2** Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3 responses to concerns of traffic impacts. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).
- AY-3** Comment noted. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required. The Traffic Impact Analysis prepared for the project (included as Appendix J of the DEIR) contains an analysis of all study area intersections and street segments both with and without the Frazee connection. Academy Road has sufficient capacity to accommodate the additional traffic generated by the project and due to the connection of Frazee Road as discussed in Section 13.1 of the Traffic Impact Analysis and Section 4.14.5 of the DEIR.
- AY-4** Comment noted. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.
- AY-5** Comment noted. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.
- AY-6** Comment noted. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter AZ

Stephen W. Bristol

RECEIVED

April 3, 2015

APR 06 2015

CITY OF OCEANSIDE
DEVELOPMENT SERVICES

To: Russ Cunningham, Senior Planner

Cc: Mayor Jim Wood, Deputy Mayor Chuck Lowery, Councilman Jerome Kern, Councilwoman Esther Sanchez, Councilman Jack Feller.

Re: My Response to DEIR – Villa Storia

Mr. Cunningham;

I'm a resident of San Luis Rey Homes (just north) of the proposed Villa Storia planned development and I welcome the opportunity to respond to some items contained within the DEIR prepared by Villa Storia.

First, I would like to commend the Integral Communities for their continued 'outreach' efforts over the many months to our Community. I further appreciated their addressing many of the questions/concerns that I had with respect to Academy Road and ingress/egress issues to our Park.

One area of concern is within the DEIR's 'Traffic and Circulation' section.

Academy Road & ADTs:

The proposed Average Daily Trips for Academy is projected to be 4280 (4.14.49) with San Luis Rey Homes accounting for 600 (Figure 4.14-2) of those trips.

In 2000 or thereabouts, the River Ranch Traffic report indicated 1300 ADT's for Academy. **My question is why the difference in ADT's?**

Note: Within San Luis Rey Homes Park Regulations, each 'home/space' must have room for '2 tandem' vehicle spaces. Perhaps our Park is considered (to Oceanside) a senior park and parking requirements are far less; but this Park albeit is an age restricted (55 +) community, many are very active owner members.

AZ-1

AZ-2

Chapter Lane, Academy Road and Frazee ADT – I’ve read very little in the DEIR about future vehicular (i.e., ADT’s) movement on Chapter Lane. And from what I’ve personally observed and what I read in the DEIR; the circulation and potential traffic impacts associated with Chapter Lane are far different than what is being stated in the DEIR.

Sallient Points:

1. Chapter Lane is an unimproved private road. The five (5) northern property owners (SLRH is a part) claim to have easement access rights. From what I’ve heard, the parish also claims to have access rights to this road.
2. The Villa Storia proposal indicates improving this road to Oceanside City Street Standards.
 - a) The ‘users’ of this road would maintain it.
3. Currently, vehicles leaving parish property have used Chapter Lane to reach Academy and turn left on Mission Road to head east.
 - a) Vehicles also ‘cut’ across the westerly parcel to reach Academy. (Note: From a ‘Cultural Resources’ standpoint, find this practice disturbing because of ‘what’ might be on or within this land)
4. Villa Storia proposes no ‘through way’ from the parish property to Academy.
 - a) Further, the parish has erected a ‘gate’ just south of the proposed Chapter Lane cul-de-sac terminus.
 - b) And since this gate was erected, vehicle movement across the westerly parcel has drastically increased. All you need do is to look at the ‘dirt road’.
5. Entering the Parish Property. My observation is that most vehicles entering parish property typically enter off Mission.
6. Leaving the parish property. Using their north-south road (easement or private road) on the west side of the Villa Storia development; westbound traffic will make a right turn onto Mission Avenue. Those vehicles wishing to head east on Mission is difficult at best because of the very heavy stacking on Mission Avenue and Rancho Del Oro intersection. The easiest eastbound course has been to utilize Chapter Lane and/or cutting across the westerly parcel. According to the plans, this practice will change.
7. Currently, Frazee Road at Academy Road is not open to through traffic.
 - a) At build out, Frazee Road will be opened for through traffic.

It’s plainly evident that traffic to and from the parish property will change dramatically. Not only will eastbound parish egress be re-routed to Chapter Lane, but with the opening of Frazee Road, ingress to parish property could change as well. **Note:** DEIR 4.14.-5 States in paragraph one, *‘In addition, a cul-de-sac is proposed at the terminus of Chapter Lane where it bends to the south and a gated access to the parish property would be provided that would be operated at the discretion of the parish’*. These words indicate that the parish is anticipating using Academy Road and Chapter Lane as a potential ENTRY point as well. And ‘use’ will be at their discretion.



AZ-3

Obviously; any anticipated 'trips' are left 'wide open' and not addressed. The potential congestion at Academy Road, Frazee Road and Chapter Lane could be disastrous if not addressed prior to City Approval of this DEIR.

[AZ-3
Cont.

Thank you Mr. Cunningham for your time and would appreciate your distributing this letter to those mentioned.

[AZ-4

Respectfully,



Stephen W. Bristol

111 Swallow Lane

Oceanside, CA 92057

760-637-2777

INTENTIONALLY LEFT BLANK

Response to Comment Letter AZ

Stephen W. Bristol
April 6, 2015

- AZ-1** Comment noted.
- AZ-2** The 2030 Master Transportation Roadway Plan for the City of Oceanside and current SANDAG traffic models are the basis of the Buildout (Year 2030) GP LU conditions. The 2030 Master Transportation Roadway Plan was created as part of the most recent City of Oceanside General Plan Circulation Element adopted in September 2012. The differences in buildout conditions from the River Ranch Traffic Report and the proposed project traffic report is due to differences in existing traffic conditions, recent City's circulation network planning efforts, and updated SANDAG traffic models.
- AZ-3** Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3 responses to concerns of traffic impacts. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).
- AZ-4** Comment noted.

INTENTIONALLY LEFT BLANK

Comment Letter BA

TO: Russ Cunningham, Senior Planner 760 435 3520
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92057
RCunningham@ci.oceanside.ca.us

Request: Planning Department
please forward a copy of this
letter to the Mayor and to
all City Council Members

RE: Public Comment on SCH 201451018
Villa Storia Planned Development Plan
Draft Environmental Impact Report
Response due no later than April 6, 2015

RECEIVED

APR 06 2015

CITY OF OCEANSIDE
DEVELOPMENT SERVICES

My Concerns are as follow:

Attached

↓
BA-1

Print your name Gerald Lederthiel Date 4-6-15

Complete address 4 ORIOLE LN 92057

Gerald Lederthiel

CL SAN LUIS BEN MISSION 4-4-15
To: RUSS CUNNINGHAM ST. PLANNET, CITY OF OCEANSIDE CA 92057

E: Public
COMMENT
CH
01
131
118

E.I.R. Quality of life issue, the vast Holdings of our historic Holy lands to San Diego city limits is now dwarfed to this PRESENT DAY.

How much public land is available? The City of Oceanside should buy out the interest of the owner and lease it out for a MISSION REMBERANCE WILDFLOWER GARDEN IN The floodplain ravine east of Academy Road MAINTAINED by the MISSION IN The future.

- Quality of limited water: IS A ISSUE ALSO. Lets NOT MAKE RECLAIMED WATER DOMESTIC. WORK SHORTAGE WILL BE WITH US

BECAUSE OF NAFTA AND 40% PRODUCT IMPORTATION FROM THE PACIFIC RIM.

The residents may use more social services to burden us all not a equal wash out - evaluation

The City own IVEY RANCH HOLDINGS SHOULD BE EXPANDED TO THE NORTH FOR THE REMAINING HOLDINGS OF THE OWNER KEEPING PREST ZONING IN PLACE FOR FUTURE GENERATIONS.

GETALD LEDERTHOL 401016111 OCEANSIDE CA 92038 4-6-15

BA-1
Cont.

BA-2

BA-3

BA-4

BA-5

Response to Comment Letter BA

Gerald Lederthiel
April 6, 2015

- BA-1** Comment noted.
- BA-2** Please refer to Response to Comment E-30, E-31, and F-9 regarding limited water. The remainder of the comment is noted.
- BA-3** Comment noted. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.
- BA-4** Please refer to Response to Comment I-2.
- BA-5** Comment noted. This comment will be included in the Final Environmental Impact Report presented before the decision makers for approval or denial of the proposed project. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter BB

City of Oceanside Planning Department
300 N. Coast Highway
Oceanside, CA 92054

Re: Opposition to proposed Rezoning of Oceanside's General Plan
And the 37 acres West and East of Academy Road

Attention: Russell Cunningham, Sr. Planner

I/we are neighbors of the proposed plan called Villastoria submitted by Integral Communities to the Planning Department on April 8, 2013. The plan/project proposes to build 394 to 586 units on 37 acres West and East of Academy Road.

- The plan does not address the problems of the increased traffic on Academy Road, does not widen Academy Road or install a traffic signal at the Mission/Academy intersection.
- The plan does not address paving or improving the road in front of the Alano Club.
- The plan does not address the inadequate water drainage and run off to the present system but instead wants all the water drainage from the project to flow into the present system which now floods every time it rains.
- The plan does not adequately honor the Development Program of the Mission San Luis Rey Historic Plan of 1986.
- The plan does not address many other issues too numerous to mention here.

BB-1

BB-2

BB-3

BB-4

BB-5

BB-6

Please consider retain the present zoning PI [Private Institutional] and developing a school or park or something that will be a benefit to the citizens of Oceanside.

Sincerely,

Brigitte Attawian
 Print Name Sign Name Address Date 9/20/17
 223 Bluebird Ln
 Oceanside CA
 760 722-9318

INTENTIONALLY LEFT BLANK

Response to Comment Letter BB

Brigitte Ottaviano
April 6, 2015

- BB-1** Please refer to Response to Comment AO-1.
- BB-2** Please refer to Response to Comment AO-2.
- BB-3** Please refer to Response to Comment AO-3.
- BB-4** Please refer to Response to Comment AO-4.
- BB-5** Please refer to Response to Comment AO-5.
- BB-6** Please refer to Response to Comment AO-6.
- BB-7** Please refer to Response to Comment AO-7.

INTENTIONALLY LEFT BLANK

Comment Letter BC

Subject: Response to DEIR for Villa Storia development

Thank you for all the work you have so far regarding this project.

BC-1

There are four critical points to consider and rule against in evaluating the EIR that the developers for Villa Storia submitted last month.

For the Villa Storia development to go forward there needs to be a dedicated street on the far west side. WE ALL know there will be too much traffic on Academy Road and Frazee. I am sure the City has a very good idea about what the potential traffic count would actually be especially judging from other housing developments that would show a truer traffic count than that submitted by the developers.

BC-2

Access for the Villa Storia project would have better traffic flow if there were 2 north and south street. Academy Road is already in place and adding another paved access to and from Mission Avenue on the westerly easement would be preferred. This ingress and egress has always been in use and runs next to the parish and catholic school.

BC-3

The critical water shortage measures Governor Brown is implementing throughout the State is certainly going to impede the large development of Villa Storia, even though the developers state the water shortage will not be a problem. The new rules state the any irrigation with potable water on new home and new developments must use drip systems for landscaping and there are other rules being implemented as well. When the City of Oceanside cannot even use a water fountain or a water feature at City Hall, it seems like the leadership of the City knows there is a critical problem and that possibly proposed large developments need to be put on hold.

BC-4

The General Plan states that this property is in Historic district and this is not an historic development. If Native American artifacts are discovered at the site would the development still be approved.

BC-5

Sincerely,

Patricia Hunt
193 Flicker Lane
Oceanside, CA

cc: Mayor Wood and City Council Members

INTENTIONALLY LEFT BLANK

Response to Comment Letter BC

Patricia Hunt
No date

- BC-1** Comment noted.
- BC-2** Please refer to Responses to Comments G-1, G-2, H-1, I-1, J-2, and J-3. Discussion of traffic impacts can be found in Section 4.14, Traffic and Circulation, of the DEIR. All identified traffic impacts would be reduced to a level below significance through implementation of required mitigation. Tables 4.14-14 and 4.14-17 shows Frazee Road (from Academy Road to Old Grove Road) operating at a Level of Service A and B for the Near Term Cumulative Scenario and the Buildout (Year 2030) Scenario, respectively. Also, as stated in the Section 4.14 of the DEIR, Under the buildout condition, accounting for general growth in the area, cut-through traffic, and project traffic, 4,280 ADT are forecasted to use Academy Road. The improvements to Academy Road would result in a traffic carrying capacity of approximately 7,500 ADT. For additional information, please refer to the project's Traffic Impact Analysis (Appendix J to the DEIR).
- BC-3** Please refer to Response to Comment BC-2.
- BC-4** Please refer to Responses to Comments E-30, E-31, and F-9.
- BC-5** Please refer to Response to Comment AW-4.

INTENTIONALLY LEFT BLANK

Comment Letter BD

RINCON BAND OF LUISEÑO INDIANS
Culture Committee

1 W. Tribal Road · Valley Center, California 92082 ·
(760) 297-2621 or (760) 297-2622 & Fax: (760) 749-8901



March 30, 2015

Russ Cunningham
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92054

Re: The Villa Storia Planned Development Plan

Dear Mr. Cunningham:

This letter is written on behalf of the Rincon Band of Luiseño Indians. We have received your notification dated February 20, 2015, and we thank you for the consultation on the Villa Storia Planned Development Project. The location you have identified is within the Aboriginal Territory of the Luiseño people, and is also within Rincon's historic boundaries.

Embedded in the Luiseño Territory are Rincon's history, culture and identity. The project is in our Traditional Use Area and we believe there is as potential for culture findings including the possibility of human remains and associated artifacts, all culturally associated findings are culturally significant to the Rincon people.

We are not opposed to the project but do request continued consultation. We would also like to request that the Rincon Cultural Resources Department be afforded the opportunity to provide the Native American Monitor for this project.

If there are any questions please do not hesitate to contact our office at (760) 297-2635.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Rose Duro
Chairman
Rincon Culture Resources Department

BD-1

Bo Mazzetti
Tribal Chairman

Stephanie Spencer
Vice Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Alfonso Kolb
Council Member

INTENTIONALLY LEFT BLANK

Response to Comment Letter BD

Rose Duro
Rincon Band of Luiseño Indians
March 30, 2015

- BD-1** Comment noted. The City of Oceanside and the project applicant will continue to work closely with the Rincon Band of Luiseno Indians throughout the project discretionary approval process. The City and the applicant will also work with the Rincon Cultural Resources Department for Native American Monitoring during construction activities. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter BE

DEPARTMENT OF TRANSPORTATION
DISTRICT 11, DIVISION OF PLANNING
4050 TAYLOR ST, M.S. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711
www.dot.ca.gov



Flex your power!
Be energy efficient!

April 15, 2015

11-SD-76
PM 4.21
TIA 2/12/15

Mr. Russ Cunningham
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Dear Mr. Cunningham:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Traffic Impact Analysis (TIA) dated 2/12/15 for the Villa Stora project, which is located north of State Route 76 (SR-76) at Rancho Del Oro Drive. Caltrans has the following comments:

As stated in the Traffic Impact Analysis (dated 2/12/15):

- 15.2.2 Cumulative Mitigation Measures; TRA-2; page 93: "Intersection #7. SR-76/Rancho Del Oro Drive...payment of a fair share contribution will be based on the trips associated with the actual approved residential units for an amount not to exceed \$230,000..."
- 15.2.2 Cumulative Mitigation Measures; TRA-4; page 93: "Intersection #17. SR-76/College Boulevard...the project shall conduct a traffic signal coordination optimization study at the 8 signalized intersections along State Route 76 corridor between Foussat Road and North Santa Fe Avenue."

Fairshare mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

Please provide Caltrans a copy of the traffic signal coordination optimization study for review when available.

If you have any questions, please contact Trent Clark of the Caltrans Development Review Branch at (619) 688-3140.

Sincerely,

JACOB M. ARMSTRONG, Chief
Development Review Branch

BE-1

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

INTENTIONALLY LEFT BLANK

Response to Comment Letter BE

Jacob M. Armstrong
Department of Transportation, District 11
April 15, 2015

- BE-1** Comment noted. The City of Oceanside and the project applicant will ensure that proper coordination with Caltrans will occur to ensure that agreements and approvals are obtained, as necessary. The City will also provide the requested traffic signal coordination study once available. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

INTENTIONALLY LEFT BLANK

Comment Letter BF

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

From: DandD [mailto:dandd2@peoplepc.com]

Sent: Tuesday, May 19, 2015 12:45 PM

To: Russ Cunningham

Subject: Additional Comments on Villa Storia DEIR

Hi Mr. Cunningham

Please include these additional comments on the Villa Storia DEIR as part of the administrative record for this project.

It recently came to my attention that the FEIR for the City of Oceanside Circulation Element adopted in April of 2012 included three specific mitigation measures for the cumulative impacts of Green House Gasses(GHG). Since the Villa Storia project exceeds what Oceanside has identified (improperly) as the threshold for project level significance, all three of these mitigation measures need to be included for the Villa Storia project.

The DEIR for Villa Storia incorrectly states the project will have no adverse cumulative impacts to GHG. This is in conflict with other findings in the DEIR that it exceeds project level thresholds and with the city's own adopted CE FEIR that identifies unmitigated cumulative impacts to GHG for which they included mitigation measures GHG1, GHG2 and GHG3 and still adopted overriding considerations as these measures failed to reduce the impacts below the threshold for adverse cumulative impacts.

The Villa Storia project will contribute to cumulative adverse impacts to GHG, The DEIR has failed to adequately analyze or mitigate for these impacts. These three mitigation measures apply to construction and operations. They are relevant and feasible for the Villa Storia project and must be included. Failure to properly analyze and mitigate for cumulative impacts to GHG leaves this as a significant unmitigated impact.

Thank you for your consideration of these additional comments.

Diane Nygaard
Preserve Calavera

BF-1
BF-2
BF-3
BF-4

INTENTIONALLY LEFT BLANK

Response to Comment Letter BF

Diane Nygaard
Preserve Calavera
May 19, 2015

- BF-1** Comment noted. Responses to specific issues raised within this comment letter follow.
- BF-2** The mitigation measures identified in the FEIR for the City of Oceanside Circulation Element (2012) are not applicable to this project. The CEQA Guidelines state, "[w]hen tiering is used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR." Here, the proposed project does not rely on the Circulation Element EIR or purport to rely on the Circulation Element FEIR. The Draft EIR is self-contained and adequately analyzes the proposed project's greenhouse gas impacts without reliance on the Circulation Element FEIR. For informational purposes, the City notes, however, that the proposed project's design features already implements many of the mitigation measures identified the Circulation Element FEIR. For example, the provision of a new bus stop near the proposed Community Park, provision of pedestrian sidewalks and pathways (including Pedestrian Priority Project #19), and provision of bicycle lanes along the improved Academy Road in order to reduce the need for single occupancy vehicles. Lastly, there is no City-wide GHG threshold and the Circulation Element FEIR does not purport to create a City-wide GHG threshold. The means of analyzing GHG impacts is constantly evolving over time as new targets are set and new caselaw is published. Accordingly, in order to maintain the flexibility to respond to these types of changes, the City applies the GHG threshold that it believes, in its careful judgement, is most appropriate for each project. The Villa Storia Final EIR, technical studies, and the detailed responses to comments explain the GHG threshold applied to the proposed project.
- BF-3** Please refer to Response to Comment BF-2.
- BF-4** Please refer to Response to Comment BF-2.

INTENTIONALLY LEFT BLANK

Comment Letter BG

SAN LUIS REY BAND OF MISSION INDIANS

1889 Sunset Drive • Vista, California 92081

760-724-8505 • FAX 760-724-2172

www.slrmissionindians.org

May 19, 2015

Russ Cunningham
City Planner
Planning Division
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

VIA ELECTRONIC MAIL
rcunningham@ci.oceanside.ca.us

RE: COMMENT LETTER ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE VILLA STORIA PROJECT

Dear Mr. Cunningham:

Thank you for the opportunity to submit the following comments regarding the Draft Environmental Report (“DEIR”) for the Villa Storia Project (“Project”). We acknowledge that our comments are being submitted past the published comment period; however, we believe that our comments are important to the protection and preservation of our Luiseno cultural resources and should both be responded to, and included within, the official record for this Project.

We, the San Luis Rey Band of Mission Indians (“SLR” or “Tribe”) are a San Diego County tribe whose traditional territory encompasses Camp Pendleton, the cities of Oceanside, Carlsbad, Vista, San Marcos and Escondido, as well as the unincorporated communities of the County of San Diego such as Valley Center, Fallbrook and Bonsall. SLR is resolute in the protection and preservation of our cultural resources within our traditional territory.

It is the Tribe’s understanding that the Project proposes to develop 35.59 acres of land adjacent to the San Luis Rey Mission into four (4) separate planning areas. The land is bounded by Mission Ave. and State Route 76 (“SR 76”) to the south, a mobile home community to the north, additional residential development to the east and the Mission San Luis Rey and Mission San Luis Rey Parish to the west (“Project Location/Area”). The planning areas would include residential areas (single family detached and cluster developments, single family attached clusters, and a variety of townhouses). Planning Area 1 will accommodate a maximum of 62 units, Planning Area 3 will accommodate a maximum of 86 units, and Planning Area 4 will accommodate a maximum of 172 units. It is unclear how many units Planning Area 2 will accommodate, but may hold a maximum of 100 units. In addition to the potential 420 units of residential living, the project proposes a community park, several community gathering areas,



BG-1

*DEIR Comment Letter to the City of Oceanside
Villa Storia
Page 1 of 6*

including but not limited to, a community pool. The Project also proposed several major off-site improvement projects involving Mission Ave.

↑ BG-1
Cont.

The Tribe has reviewed the DEIR and will not oppose its passage if mitigation measures are adopted to protect and preserve our Native American cultural resources. Any development proposed within the Project Location/Area is of great concern to the Tribe given the area's significance to our Luiseno history and culture. The Tribe has visited the area and urges the City to institute several mitigation measures to minimize the possible negative impact the construction will have on our buried Luiseño cultural resources. It is important for the City to realize that the Tribe does not oppose the Project in general, but that we *are* passionately opposed to any plans that may damage or destroy any potentially significant cultural or sacred sites and human remains that may be located within the Project's footprint. This includes, but is not limited to, any and all off-site road improvements. It is imperative that Luiseno Native American monitors be present during all ground disturbing activities that area associated with this Project.

↑ BG-2

I. THE CURRENT MITIGATION MEASURES PROPOSED IN MM-CUL-1 SHOULD BE MODIFIED AND/OR AMENDED TO EFFECTIVELY MITIGATE THE NEGATIVE IMPACT THAT MAY OCCUR AT OUR SACRED SITE.

Although the current mitigation measures on their surface appear to mitigate and/or lessen the negative impact to a level of less than significant, the Tribe respectfully requests the City to amend and/or modify said mitigation measures as follows:

↑ BG-3

The first mitigation measure provided for under the first bullet of MM-CUL-1 should be amended to reflect that a pre-excavation agreement need only be entered into by the Tribe and the landowner. Unless the City is also a landowner of this Project, it would be inappropriate for the City to be a signatory and/or party to said agreement. The Tribe therefore proposes that the first bullet state, *"The developer shall enter into a Pre-Excavation Agreement, otherwise known as a Cultural Resources Treatment and Tribal Monitoring Agreement, with the San Luis Rey Band of Mission Indians prior to the commencement of any ground disturbing activities. This agreement will contain provisions to address the proper treatment of any cultural resources or Luiseño Native American human remains inadvertently uncovered during the course of the project. The agreement will outline the roles and powers of the Luiseño Native American monitors."*

↑ BG-4

The second mitigation measure provided under the second bullet of MM-CUL-1 should be amended to reflect that the "pregrading" meeting includes, but is not limited to, the preconstruction meeting. It is imperative that the Luiseno Native American monitors be present whenever the cultural resource monitoring program is being discussed for both safety and efficient communication purposes. The Tribe therefore proposes that the second bullet state, *"An archaeologist and Luiseño Native American monitor shall be present at the project's preconstruction meeting to consult with grading and excavation contractors to discuss the requirements of the cultural resources monitoring program, excavation schedules and safety issues."*

The third mitigation measure provided for under the third bullet of MM-CUL-1 to the Tribe with the understanding that "other ground-disturbing activities" include but are not limited to,

↑ BG-5

archaeological studies, geotechnical investigations, clearing, grubbing, excavation, and the preparation for utilities and other infrastructure at the Project Location and at off-site locations, such as the road improvements associated with Mission Avenue.

↑
BG-5
Cont.

The fourth mitigation measure provided for under the fourth bullet of MM-CUL-1, the Tribe respectfully requests that this language be modified to provide additional clarity. For instance, the Tribe respectfully requests that the first sentence be amended to read as follows, "*Luiseno Native American monitors and archaeological monitors shall have joint authority to temporarily divert and/or halt construction activities. If cultural resources are discovered during construction, all earth moving activity within and around the immediate discovery area must be diverted until the Luiseno Native American monitor and the archaeologist can assess the nature and significance of the find.*" Modifying this bullet point as indicated provides clarity as to whom may temporarily halt ground disturbing activities and clearly indicates that in order to determine a Luiseno cultural resources significance, such determination must be done through the joint-assessment of the Luiseno Native American monitor and the archaeologist.

↑
BG-6

In regards to the second sentence of the fourth bullet of MM-CUL-1, the Tribe respectfully requests that the language contained therein be modified and/or amended. In this sentence, it states that "Isolates and clearly non-significant deposits will be minimally documented in the field, and grading shall proceed." Archaeologists and Native American monitors are trained to perform different analysis of cultural resources. For instance, in the case of determining the significance of isotopes we believe adamantly that any determination as to whether the resources are "non-significant" should be left to the archaeologist and the Native American monitor and that both should agree on the resource's insignificance. This is due to the fact that each professional weighs the resource differently based on their training and beliefs. An archaeologist looks at the resource's value for research purposes and its scientific worth. Whereas, a Native American monitor looks at the resource's importance as it relates to its religious significance and cultural relevance. If the archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Luiseno Native American monitor, may in their discretion, collect said resources and provide them to the Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Therefore the Tribe respectfully recommends that the language in the second sentence of the fourth bullet be modified to read as follows, "*Isolates and clearly non-significant deposits as determined by the archaeologist and Luiseno Native American monitor will be minimally documented in the field, and grading shall proceed. The Luiseno Native American monitors, may in their discretion, collect said resources and provide them to the Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions.*" The Tribe is satisfied with the third sentence as presented in the fourth bullet of MM-CUL-1.

↑
BG-7

The Tribe respectfully requests that the sixth bullet of MM-CUL-1 be amended and/or modified to provide additional clarity regarding the protection and preservation of Native American burials in California and the Tribe's spiritual and religious beliefs regarding the dignified and respectful treatment of *our* ancestors burials. If Native American remains and/or associated burial goods are unearthed during the Project, and prior to a Most Likely Descendant being determined by the Native American Heritage Commission, it is the Tribe's request that the ancestral remains be kept *in situ* (in place), or in a secure location in close proximity to their discovery and that a forensic anthropologist perform their analysis of the remains on-site in the presence of a Luiseno Native American monitor. Any

↑
BG-8
↓

transportation of the ancestral remains would be considered by the Tribe as disrespectful and undignified treatment. Therefore, the Tribe recommends that the language of the sixth bullet of MM-CUL-1 be modified as follows, *“If suspected Native American human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field by a forensic anthropologist and/or forensic osteologist and kept in a secure location at the site. A Luiseño Native American monitor shall be present during the examination of the remains. If the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the “Most Likely Descendant” of receiving notification of the discovery. The Most Likely Descendant shall then make recommendations within 48 hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.”*

BG-8
Cont.

In regards to the seventh bullet contained within MM-CUL-1, the Tribe respectfully requests that the current mitigation measure be modified to include the presence of a Luiseno Native American monitor during any testing and/or cataloging of our Luiseno cultural resources. It is the responsibility of Tribe to ensure that our ancestors remains and belongings are treated with the utmost dignity and respect. If their remains and/or belongings are removed from the ground, then those remains and/or belongings must be watched over and protected by the Tribe until they may be repatriated from where they came. The current mitigation measure states, *“Recovered artifactual materials shall be cataloged and analyzed.”* This mitigation measure is incomplete and the Tribe respectfully requests that this mitigation measure be modified to reflect the following language, *“When cultural resources are discovered during the project and the archaeologist collects such resources, a Luiseño Native American monitor must be present during any testing or cataloging of those resources.”*

BG-9

Lastly, the Tribe respectfully requests that the last mitigation measure provided for under MM-CUL-1 be stricken completely from the DEIR. This mitigation measure is not required by the State of California and is in direct opposition to the Tribe’s cultural, spiritual and religious beliefs. Any plans to curate any such items would blatantly disregard the respect due to these cultural resources. In its place, the Tribe respectfully requests the following mitigating language, *“Any and all uncovered artifacts of Luiseño Native American cultural importance should be returned to the San Luis Rey Band of Mission Indians, and/or the Most Likely Descendant, if applicable, and not be curated.”*

BG-10

II. ADDITIONAL MEASURES OF MITIGATION MUST BE ADOPTED BY THE CITY IN ORDER TO LESSEN ANY ADDITIONAL NEGATIVE IMPACT TO OUR KNOWN NATIVE AMERICAN CULTURAL RESOURCES.

BG-11

The Project location is an incredibly culturally sensitive area for the Luiseño people. The San Luis Rey Mission was home to over 5,000 Luiseños at one point. This Project is on Luiseño habitation grounds. It must be treated with respect and dignity at all times by the City and the Applicant. Therefore, the San Luis Rey Band of Mission Indians strongly recommends and requests that additional measures

*DEIR Comment Letter to the City of Oceanside
Villa Storia
Page 4 of 6*

of mitigation be adopted by the City in order to lessen any additional negative impact to our known Native American cultural resources.

↑ BG-11
Cont.

A. The Tribe Must Be Consulted If A Significant Cultural Resource And/or Unique Archaeological Resource Is Discovered During Ground Disturbing Activities.

If a significant cultural resource and/or unique archaeological resource are unearthed during ground disturbing activities for this Project, the Tribe respectfully requests that they be notified and consulted with in regards to the respectful and dignified treatment of those resources. The Tribe's preference will always be for avoidance and that the resource be protected and preserved in perpetuity. The Tribe's preference is supported in California Public Resources Code Section 21083.2(b). If, however, relocation and/or a data recovery plan is authorized by the City as the Lead Agency, the Tribe respectfully requests that as a condition of any authorization, the Tribe be consulted regarding the drafting and finalization of any such recovery. These resources are evidence of our ancestors' lost history and, as such, we must have a voice and be a part of how those resources are treated and preserved for future generations. The Tribe respectfully requests that the following mitigation measure be adopted by the City, *"If a significant cultural resource(s) and/or unique archaeological resource(s) are unearthed during ground disturbing activities for this project, the San Luis Rey Band of Mission Indians shall be notified and consulted regarding the respectful and dignified treatment of those resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological and cultural resources. If however, the Applicant is able to demonstrate that avoidance of a significant and/or unique cultural resources is infeasible and a data recovery plan is authorized by the City of Oceanside as the lead agency, the San Luis Rey Band of Mission Indians shall be consulted regarding the drafting and finalization of any such recovery plan."*

↑ BG-12

B. Only "Clean Fill" Should Be Utilized During This Project

Lastly, the Tribe is opposed to any undocumented fill being used during the proposed development. In the event the "fill" will be imported into the Project area, the Tribe requests that any proposed use of fill be clean of cultural resources and documented as such. It has been a practice of many in the construction profession to utilize fill materials that contained cultural resources from other "unknown" areas thereby contaminating the potential cultural landscape of the area being filled. This type of fill material is unacceptable. Moreover, if the fill material is to be utilized from areas within the Project boundaries, then we ask that that fill be analyzed and confirmed by an archeologist and/or Luiseño Native American monitor that such fill material does not contain cultural resources. The Tribe respectfully recommends that the following mitigation measure be incorporated within the Final EIR, *"In the event that fill is imported into the project area, the fill shall be clean of cultural resources and documented as such. If fill material is to be utilized and/or exported from areas within the project site, then that fill shall be analyzed and confirmed by an archeologist and Luiseño Native American monitor that such fill material does not contain cultural resources."*

↑ BG-13

Furthermore, the Tribe is aware that the Project Site contains varying levels of in-fill soil; however, the vertical depth of the fill soil is unknown and the native soil may still be intact below the fill soil. Therefore, regardless if "fill" soil had been previously utilized at the Project Site, Native American

↓ BG-14

monitors must still be present during ground disturbing activities in those locations if it is determined that native soils may still be penetrated.

↑ BG-14
Cont.

C. The Use of A "Controlled Grade" Is Necessary In All Cultural Resource Sensitive Areas.

As stated earlier, the Project Location is acutely sensitive for the inadvertent discovery of Luiseno cultural resources. Therefore, due to the cultural sensitivity of this area and the extremely high potential for subsurface cultural resources to be unearthed through the proposed activities of this Project, the utilization of a controlled grade will be necessary in areas where there are both known cultural resources to be present and in areas where inadvertent discoveries have been made. As the City is aware, a controlled grade would have the earth disturbing equipment operate at a deliberate pace, in a specialized manner and work in controlled increments. In addition, the equipment would need to meet specific requirements regarding weight, attachments and type of wheels. The controlled grading would include very shallow grading passes observed and directed by the Luiseno Native American and archaeological monitors in order to uncover subsurface cultural features or deposits, if such are present, with a minimal amount of disturbance to these resources. Currently a controlled grade is discussed in the introduction of the mitigation measures of MM-CUL-1; however, further clarification is necessary that if known and/or inadvertently discovered cultural resources may be disturbed, then a controlled grade must be instituted accordingly.

↑ BG-15

III. CONCLUSION

The San Luis Rey Band of Mission Indians appreciates this opportunity to provide the City of Oceanside with our comments and recommendations on the Villa Storia Project. The Tribe hopes the City will adopt the mitigation measures for Cultural Resources as herein requested and that they will appear in the Final EIR. As always, we look forward to working with the City to guarantee that the requirements of CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseno cultural resources.

↑ BG-16

Sincerely,



Merri Lopez-Keifer
Chief Legal Counsel

cc: Mel Vernon, SLR Tribal Captain (via email)
Carmen Mojado, SLR Secretary of Government Relations (via email)

Response to Comment Letter BG

Merri Lopez-Keifer
San Luis Rey Band of Mission Indians
May 19, 2015

BG-1 Comment noted.

BG-2 Comment noted. Responses to specific issues raised within this comment letter follow.

BG-3 The City agrees with the suggest edits to mitigation measure MM-CUL-1. Accordingly, the first bullet point of MM-CUL-1 is deleted and replaced with the following, as stated in the comment letter:

- The developer shall enter into a Pre-Excavation Agreement, otherwise known as a Cultural Resources Treatment and Tribal Monitoring Agreement, with the San Luis Rey Band of Mission Indians prior to the commencement of any ground disturbing activities. This agreement will contain provisions to address the proper treatment of any cultural resources of Luiseño Native American human remains inadvertently uncovered during the course of the project. The agreement will outline the roles and power of the Luiseño Native American monitors.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

BG-4 The City agrees with the suggest edits to mitigation measure MM-CUL-1. Accordingly, the second bullet point of MM-CUL-1 is deleted and replaced with the following, as stated in the comment letter:

- An archaeologist and Luiseño Native American monitor shall be present at the project's preconstruction meeting to consult with grading and excavation contractors to discuss the requirements of the cultural resources monitoring programs, excavation schedules, and safety issues.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about

significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

BG-5 The commenter is correct in the understanding of “other ground-disturbing activities.”

BG-6 The City agrees with the suggest edits to mitigation measure MM-CUL-1. Accordingly, the first sentence of fourth bullet point of MM-CUL-1 is deleted and replaced with the following, as stated in the comment letter:

- Luiseño Native American monitors and archaeological monitors shall have joint authority to temporarily divert and/or halt construction activities. If cultural resources are discovered during construction, all earth moving activity within and around the immediate discovery area must be diverted until the Luiseño Native American monitor and archaeological monitor can assess the nature and significance of the find.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

BG-7 The City agrees with the suggest edits to mitigation measure MM-CUL-1. Accordingly, the second sentence of fourth bullet point of MM-CUL-1 is deleted and replaced with the following, as stated in the comment letter:

- Isolates and clearly non-significant deposits as determined by the archaeologist and Luiseño Native American monitor will be minimally documented in the field, and grading shall proceed. The Luiseño Native American monitors may, in their discretion, collect said resources and provide them to the Tribe for respectful and dignified treatment in accordance with the Tribe’s cultural and spiritual traditions.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

BG-8 The City agrees with the suggest edits to mitigation measure MM-CUL-1. Accordingly, the fifth bullet point of MM-CUL-1 is deleted and replaced with the following, as stated in the comment letter:

- If suspected Native American human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field by a forensic anthropologist and/or forensic osteologist and kept in a secure location at the site. A Luiseño Native American monitor shall be present during the examination of the remains. If the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the “Most Likely Descendant” of receiving notification of the discovery. The Most Likely Descendant shall then make recommendations within 48 hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

BG-9 The City agrees with the suggest edits to mitigation measure MM-CUL-1. Accordingly, the sixth bullet point of MM-CUL-1 is deleted and replaced with the following, as stated in the comment letter:

- When cultural resources are discovered during the project and the archaeologist collects such resources, a Luiseño Native American monitor must be present during any testing or cataloging of those resources.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about

significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

BG-10 Please refer to Response to Comment C-1.

BG-11 Comment noted. Responses to specific issues raised within this comment letter follow.

BG-12 The City agrees with the suggest edits to mitigation measure MM-CUL-1. Accordingly, following has been added to mitigation measure MM-CUL-1:

- If a significant cultural resource(s) and/or unique archaeological resource(s) are unearthed during ground disturbing activities for this project, the San Luis Rey Band of Mission Indians shall be notified and consulted regarding the respectful and dignified treatment of those resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological and cultural resources. If however, the Applicant is able to demonstrate that avoidance of a significant and/or unique cultural resource is infeasible and a data recovery plan is authorized by the City of Oceanside as the lead agency, the San Luis Rey Band of Mission Indians shall be consulted regarding the drafting and finalization of any such recovery plan.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

BG-13 The City agrees with the suggest edits to mitigation measure MM-CUL-1. Accordingly, following has been added to mitigation measure MM-CUL-1:

- In the event that fill is imported into the project area, the fill shall be clean of cultural resources and documented as such. If fill material is to be utilized and/or exported from areas within the project site, then that fill shall be analyzed and confirmed by an archeologist and Luiseño Native American monitor that such fill material does not contain cultural resources.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about

significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

BG-14 Comment noted. Native American monitors shall be required as outlined in mitigation measure MM-CUL-1 as amended for the FEIR.

BG-15 The City agrees with the suggest edits to mitigation measure MM-CUL-1. Accordingly, following has been added to mitigation measure MM-CUL-1:

- If determined by the Luiseno Native American and archaeological monitors that known and/or inadvertently discovered cultural resources may be disturbed, then a controlled grade must be instituted accordingly. Controlled grading would occur at a deliberate pace, in a specialized manner and work in controlled increments; utilize equipment would need to meet specific requirements regarding weight, attachments and type of wheels; make very shallow grading passes observed and directed by the Luiseno Native American and archaeological monitors.

The City has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in ~~strikeout~~underline format. To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

BG-16 Comment noted.

INTENTIONALLY LEFT BLANK

Comment Letter BH



San Diego & Imperial Counties Chapter
8304 Clairemont Mesa Blvd., Suite 101
San Diego, CA 92111
<http://www.sandiego.sierraclub.org> 858-569-6005

June 16, 2015

Russ Cunningham, Senior Planner
Planning Division, City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Re: **Comments Regarding Greenhouse Gas Analysis for the Villa Storia PD Plan, City of Oceanside, California** and its Adequacy to Support CEQA, within an EIR

Dear Mr. Cunningham:

The San Diego Sierra Club (the "Club") respectfully requests that the *Greenhouse Gas Analysis for the Villa Storia PD Plan, City of Oceanside, California* (the "Analysis") be returned to staff for revisions and subsequent recirculation before presentation to the City of Oceanside (the "City") for consideration at a public hearing.

BH-1

Summary Comments

As will be shown, the Analysis fails to adequately explain our climate crisis. It will also be shown that the quantitative and qualitative facts of our climate crisis lead to an inescapable conclusion that it is not currently possible to justify any sort of "threshold of significance". As also will be shown, the so-called "threshold of significance" presented in the Analysis is the result of a mathematically-flawed calculation, which, even if done correctly, would result in what is actually a "threshold of catastrophe". Such a threshold, properly computed, will indeed be useful to the City's efforts to approve developments in accordance with California Environmental Quality Act law ("CEQA"), given the climate crisis we face. We would like to help the City move forward with developments without violating CEQA.

The Club is not necessarily opposed to new construction in Oceanside or construction on the proposed land. However, the City has been misinformed and has been mismanaged for many years, concerning climate. Developers will unfortunately have to experience a delay, while the City applies the essential facts of our climate crisis to approve developments in conformance with CEQA.

As will be shown, the City needs to adopt climate-stabilizing targets and a set of plans, for each significantly-emitting category, such as, for example, cars and light-duty trucks, to meet the targets. This will need to be done before any new development can be approved in compliance with CEQA. (Cars and light-duty trucks will be referred to as "light-duty vehicles" or "LDVs".)

BH-2

The Villa Storia Planned Develop ("PD") Plan that is proposed (the "Proposed Development") is not within easy walking distance of a significant number of jobs, shopping, or other amenities. It has access to only very poor public transit. For these reasons, without significant, City-wide changes, the proposed development is a "drive to" development, meaning that most trips to and from this development will be done in LDVs. As shown in Table 3 of the Analysis, transportation is by far the largest emitter of greenhouse gas ("GHG") in California. More to the point, the well-respected San Diego University's Energy Policy Initiative Center ("EPIC"), has found and published that in San Diego County, 41% of GHG is from LDVs. Without City-wide changes, this development, along with the rest of Oceanside, will contribute to climate destabilization. This is far worse than just exceeding "significance". It is the catastrophe of a devastating collapse of

the human population and the loss of most life forms currently living on this planet. Most of this information, that is critical to CEQA, is not currently stated in the Analysis.

Without significant changes within Oceanside, this proposed development cannot be approved if the City is going to meet its climate responsibilities and its legal obligations under CEQA. CEQA requires that environmental impact reports ("EIRs") fully explain how negative impacts, such as climate destabilization, can be avoided.

CEQA requires that negative environmental impacts be *considered*. Climate destabilization is a negative impact. To be sufficient, the *consideration* must identify mitigation measures that are sufficient to achieve avoidance of unacceptable negative impacts, if possible. What set of GHG reduction targets, supported by science, will achieve climate stabilization at a livable level ("climate stabilization")? An example of such a target set, that was perhaps appropriate, back in 2005, is shown in the California Executive Order S-3-05, ("S-3-05".) The fact that S-3-05 was an attempt to define a climate-stabilizing target set is not included in the Analysis. What City-wide and proposed-project measures would be needed so that this project, within an Oceanside climate-stabilization plan, would not contribute to climate stabilization? There is no answer because Oceanside has no climate stabilization plan. Without that, it is not possible for a decision maker to see how this Proposed Development could be built so as to support a climate-stabilizing target set. We advise the City to adopt a current, science-based, climate-stabilization target set, along with a plan showing how LDVs and other such categories of GHG emissions could support that target set. Reference 1 is an example of such a plan.

BH-2
Cont.

Question and Comments Regarding Specific Sections of the GHG Analysis for the Villa Storia PD Plan (the Analysis)

The Summary (Page iii)

It claims that the project's potential impact on climate change was evaluated. However, in a cumulative sense, this was not done, because the City has no climate stabilization plan. Without such a plan, the City cannot conclude that this Proposed Development will not contribute to climate destabilization. There are many reasons why the "conclusion" that the Proposed Development would result in a "less than significant" impact is false. The fact that the statement was made shows that the authors of the Analysis have a number of serious misunderstandings regarding both the current state of our climate crisis and the nature of our climate crisis. For one, the single target of 1990 emissions by 2020 could not possibly lead to the achievement of climate stabilization, let alone avoiding significant impacts. It should be noted that anyone serious about climate change understands that significant climate impacts are already occurring, due to our planet's trapping additional heat, over many decades, due to, for example and as shown in Figure 1 of this letter, the atmospheric level of carbon dioxide ("CO2") crossing over 330 Parts Per Million ("PPM") around 1975 and recently crossing over 400 PPM.

BH-3

Q1: Do you understand that the Assembly Bill 32 ("AB 32") and S-3-05 targets, from which the "threshold of significance" was derived, have to do with climate *stabilization*, not what is required to avoid significant impacts, which are, in fact, already occurring?

Q2: Do you understand that including "circulation improvements" (roads and bigger roads) in the Proposed Development is a hidden subsidy to driving and is therefore a source of additional GHG emissions, which could be fixed by the Senate Bill 1077 ("SB 1077") Road Usage Charge ("RUC") Technical Advisory Committee (the "TAC") (Reference 2), if they cause the state of California to adopt a RUC that fully offsets such subsidies?

Section 1, INTRODUCTION, of the Analysis (Page 1)

We have no comments or questions.

BH-4

Section 2.1, The Greenhouse Effect and Greenhouse Gases (Page 13)

BH-5

The Analysis states, "The greenhouse effect is a natural process that contributes to regulating the earth's temperature. Without it, the temperature of the Earth would be about 0°F (-18°C) instead of its present 57°F (14°C)."

This is an important statement because it shows the profound impact of greenhouse gas. However, the Analysis makes no comment on the significance of such a change: 57°F (from zero to 57) or 32°C (from -18 to +14). The fact is that with no greenhouse gas the Earth would be a mostly frozen planet, not able to support most of its current life forms.

Q3: Do you understand the profound impact atmospheric GHG has on our planet?

Q4: Do you agree that the Earth would be a nearly frozen planet, if it had no GHG in its atmosphere?

Q5: Do you agree that the fact that the level of GHG in our atmosphere is so impactful suggests that it has been very dangerous for humanity to raise the atmospheric level of CO2 from the preindustrial level of about 280 PPM to over 400 PPM?

The Analysis then states, "Global climate change concerns are focused on whether human activities are leading to an enhancement of the greenhouse effect".

Using the word "whether" means that it might not be true that human activities are leading to an enhancement of the greenhouse effect. However, as shown in Reference 3 (an Earth Science text book), it is well known and well understood that

- Atmospheric CO2 traps heat,
- This effect is significant, and
- Humans are adding great quantities of CO2 to the atmosphere, primarily by their combustion of fossil fuels.

Q6: Why would the analysis raise the already-answered question of whether or not the burning of fossil fuels has melted ice and raised the temperature of the planet's atmosphere and oceans?

Q7: Why would the analysis raise the already-answered question of whether or not the burning of fossil fuels is just getting started in impacting the Earth's climate?

Section 2.2, Contributions to Greenhouse Gas Emissions (starting on the top of Page 14)

As will be shown in this letter's Figure 4, the 459 MMT value stated in the second paragraph must be a per-year value, not what was emitted over the 2000 to 2012 interval.

Q8: Is the 459 MMT value a per-year value?

Table 3 of the Analysis is unclear. It might make sense if the "Industrial uses" and the "Residential uses" were of natural gas.

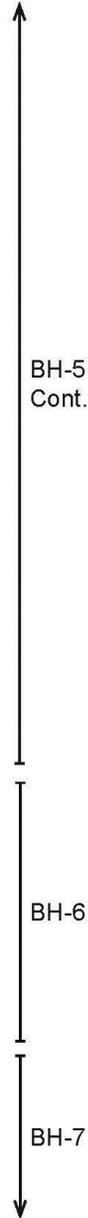
Q9: For the category of "Industrial uses", what is it that is being used?

Q10: For the category of "Residential uses", what is it that is being used?

Section 2.3, Potential Effects of Human Activity on Climate Change (starting toward the bottom of Page 14)

Although this section is over a full page of effects, it falls far short of explaining to the reader what is at stake, which will be briefly explained here.

There are many possible outcomes of our climate crisis. However, all of the outcomes of our climate crisis can be placed into one of the two, following, distinct categories:



- Climate stability at a livable level, allowing many of the Earth's species to survive for thousands of years or more ("climate stabilization").
- Climate **de**-stabilization, where the Earth's climate system's positive feedbacks become dominant, resulting in runaway warming, leading to the loss of most life forms, including our own species ("climate destabilization").

For this reason, it is not enough to simply "reduce GHG emissions" because the reduction may not be enough to avoid the dreaded climate-destabilization outcome. Therefore, society must develop greenhouse gas reductions measures that are "effective, enforceable and comprehensive" and will sum up to achieve the current, science-based climate stabilization targets that support climate stability at a livable level. Note that the "Climate Stability at a Livable Level" outcome will still have very significant impacts on our planet. We will probably lose many and perhaps even most species and suffer, at least, all of the impacts listed on Page 15 of the Analysis.

As will be shown later in this letter, without significant reductions in our GHG emissions, we are headed towards human extinction.

Avoiding climate destabilization should not be confused with avoiding significant negative impacts produced by our past, present, and future emissions of GHG. It is too late to avoid significant impacts which have already started but which will get much more severe in the future, in any case.

The California Air Resources Board's (CARB's) *First Update to the Climate Change Scoping Plan* states, "The mid-term statewide emission reduction target will ensure that we can achieve our long-term objective of reducing California's greenhouse gas emissions to the scientifically recognized level necessary for climate stabilization. Each of the major sectors highlighted in this Update must play a role in supporting the statewide effort to continue reducing emissions."

Note that the "mid-term" is between 2020 and 2050. This is another reason that the Analysis's reliance on only the 2020 target is incorrect, even if the Threshold was to avoiding destabilization (catastrophe), not "significance".

Section 3.1, REGULATORY SETTING, Federal Activities (starting on the top of Page 17)

Q11: Does "CAA" stand for "Clean Air Act"?

Q12: Does "NHTSA" stand for the "National Highway Traffic Safety Act"?

Section 3.2, REGULATORY SETTING, State of California (starting towards the top of Page 19)

Under "Title 24" but towards the end, "CALGreens" Tier 1 and Tier 2 are defined.

Q13: Given the urgency of our climate crisis, wouldn't the city be obligated, under CEQA and AB 32, to adopt the Tier 2 standards and make them mandatory, since the standards are both technologically feasible and cost effective?

On Page 20, Executive Order S-3-05 (S-3-05) is discussed. Back in 2005 these three targets were thought to be climate stabilizing. However, 10 years later, for multiple reasons, this is no longer the case.

Q14: Why is it that the Analysis does not mention whether or not the targets of S-3-05 are climate stabilizing?

Q15: Do you think the authors of the Analysis understood the difference between achieving



climate stabilization or not achieving climate stabilization?

The S-3-05 trajectory (derived by connecting the three S-3-05 targets by straight lines) had emissions for most of the world on a negative path, from 2005 to the present year but instead, for most nearly every year since 2005, the world has broken its own record for emissions. Besides this, many of the impacts of warming, such as the melting of polar ice and the melting of our permafrost, are progressing at faster-than-hoped-for rates.

Q16: What do you believe are the current, science-based, climate-stabilizing targets?

The Analysis describes some of the work of the Climate Action Team ("CAT").

Q17: Has the CAT ever published what it considers to be climate stabilizing targets?

On Page 21, AB 32 is discussed. It is correctly stated (Paragraph 38562 of AB 32) that CARB must adopt "rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions."

Q18: Given the City's responsibility under CEQA to consider and adopt feasible mitigation measures, don't those same words apply to the City as it considers proposed developments and when and how to update its General Plan?

On Page 22, under "early action regulations", the following is shown: "Reduction of auxiliary engine emissions of docked ships by requiring port electrification".

Q19: Would you support the City requesting SANDAG and AMTRAK to fund electrification of the diesel trains that run through Oceanside, especially since diesel exhaust, besides being a GHG, is a known carcinogen?

On Page 23 of the Analysis there is a discussion of CARB's Scoping Plan.

Q20: Do you think it is significant that the Scoping Plan never defines a climate-stabilizing-target set, either qualitatively or quantitatively?

The fact that the California Air Resources Board ("CARB") accepted a Scoping Plan that fails to define, either qualitatively or quantitatively, a climate-stabilizing target set shows that neither CARB nor the CAT can be fully trusted to properly lead us through our climate crisis.

Q21: Do you agree with the above statement and if so why and if not why?

On Page 23 of the Analysis, it states that "An update to the Scoping Plan is anticipated to be adopted May 2014 (CARB 2014)."

Q22: Since the date of the Analysis is February 2015, shouldn't the above statement be updated and if so, how should it be updated?

Towards the bottom of Page 23 it is stated that California, under Executive Order B-16-2012 ("B-16-12"), has a goal of having 1.5 million zero-emission vehicles ("ZEVs") by 2023. The Analysis does not comment on if this value is enough to support climate stabilization, considering predictions of per-capita driving levels and population in California. Reference 1 shows, considering the approximate number of LDVs sold in California in a year, that having only 1.5 million ZEVs on the road in California will not be enough to support climate stabilization, without unrealistic reductions in per-capita driving in California. This is important because it means that the City needs to both have a plan to reduce driving by a significant amount and lobby the state to adopt laws to ensure that there are more ZEVs than are specified in B-16-12.

Q23: Do you believe that the question of whether or not the B-16-12 ZEV goal is enough to



BH-9
Cont.

support climate stabilization, considering predictions of per-capita driving levels and population in California is important and how would you answer that question?

On Page 24, there is a discussion of Senate Bill 375 ("SB 375"). However, that discussion never mentions whether or not the targets CARB gave to the metropolitan planning organizations (MPOs) were (considering the previous understandings of our climate crisis) or are (considering current understandings of our climate crisis) sufficient to stabilize the climate at a livable level, as if this consideration were of little or no importance.

Q24: Do you think it is important for the world to stabilize the climate at a livable level?

Q25: Do you think the targets CARB gave to the MPOs are sufficient to support climate stabilization at a livable level, given realistic climate-stabilizing targets and population growth predictions?

On the top of Page 24 it is stated that the Scoping Plan Update has nine key focus areas but then only 7 are listed.

Q26: How many key focus areas does the Scoping Plan Update have and if there are more than the 7 listed on the top of Page 24 of the Analysis, would you please name those that are not listed?

Under "SB 375" the Analysis states, "The targets for the San Diego Association of Governments ("SANDAG") are a 7% reduction in emissions per capita by 2020 and a 13% reduction by 2035". However, Reference 4 (on its Page 6, in Footnote 9) shows that "emissions" is really vehicle miles traveled ("VMT") by LDVs, because the per-cent reductions accomplished by the state's clean-fuel and clean-cars programs cannot be counted. Reference 4 also shows that, considering the state's mandates for cleaner fuel (low carbon fuel standards) and cleaner cars ("Pavley 1 and 2" or "AB 1493"), the 2035 target of just 13% is not even close to what would be needed to support the S-3-05 trajectory for 2035.

Q27: Do you agree with the above statement and if not, why not?

The section fails to point out that the SB 375 2035 targets issued by CARB to the Metropolitan Planning Organizations ("MPOs") were exactly as requested by the MPOs, instead of being the targets that would support S-3-05. The MPOs assumed that all of their freeway expansion plans would be fulfilled and then determined what their 2035 VMT reductions would be. They gave those targets to CARB. CARB gave them back to the MPOs. The San Diego Association of Governments somehow concluded that this would substitute for obeying CEQA. They were sued and lost on all important issues. The State Supreme Court let the full Appellate Court ruling against SANDAG stand, but did agree to clarify the narrow question of whether or not the S-3-05 targets had to be met by all of the state's Regional Transportation Plans.

Section 4, THRESHOLDS OF SIGNIFICANCE (starting at the top of Page 27)

The first paragraph states, "In addition, the City of Oceanside utilizes guidance currently employed by the County of San Diego". However, the County's adopted threshold of significance has been set aside, as the result of a lawsuit filed by San Diego Sierra Club. We should expect that professionals that work on the topics of San Diego urban planning and climate change would have been reading the public documents, such as the written arguments and the rulings from the Superior Court and the Appellate Court. It is disappointing that the Analysis offers the readers no insight into what has been occurring in the County's CAP lawsuit.

The details are given in Reference 5, where it says (emphasis added), "Respondent shall, within 30 days, file and serve an initial return demonstrating that, prior to April 10, 2015 it set aside: (a) the June 12, 2012 Climate Action Plan; (b) the June 20, 2012 environmental findings ("Addendum"); (c) the November 7, 2013 Guidelines for Determining



Significance and Report Format and Content Requirements.”

In Section B on Page 28 of the Analysis it states that an agency should consider what is then described in the Analysis’s following three subparagraphs, including these words from subparagraph iii:

If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

Since very significant impacts are already occurring due to the high level of atmospheric carbon dioxide (“CO2”), there is no level of additional CO2 emissions that is not cumulatively significant. Since the City has no plan to reduce CO2 emission levels down below climate-stabilizing targets (in fact, to our knowledge, there is no evidence that the City even understands what climate destabilization is or why it is important), the City is in fact contributing to the demise of the Earth’s life forms, if it approves projects that emit additional CO2. These true statements are substantial evidence that the effects of the Proposed Project are cumulatively considerable.

The words under the “City of Oceanside” again show a misunderstanding of what the AB 32 target (1990 level emissions by 2020) could possibly accomplish. With no future target that is dramatically lower than the AB 32 target, there would be no hope of avoiding destabilization. This is because if the world emissions stay at 1990 emission levels for just several decades, all hope of climate stabilization will be lost. This will be made clearer later in this response letter. It should be noted that 2020 is only 5 years away and meeting a criterion for such a near-term target will not come close to achieving climate stability. Note that these statements are about whether or not we destabilize the climate, a catastrophic outcome. On the other hand, the Analysis would have the reader think that its discussion is about whether or not significant impacts will occur. The AB 32 target has nothing to do with avoiding significant impacts. Significant impacts are guaranteed, at this point in time. There is a world of difference between these two objectives: avoiding climate destabilization and avoiding significant impacts.

It could also be noted that there is nothing on Page 29 that shows an understanding that AB 32 and S-3-05 are about reductions, not per-capita reductions. Put another way, the discussion on Page 29 shows no accounting for the City’s growth rate. Since the growth rate would be at least 0.5% per year, since the margin shown is just 16% minus 15.3%, or 0.7%, and since the passage of just 4 years would produce a growth of at least 2%, the discussion on Page 29 needs to explain how adding a new project, like this Proposed Development, could possibly support stabilization. The growth rate of the city would certainly have to be part of that consideration.

There are many assertions on Page 29 which are false, which will become clear in this letter’s discussion of our climate crisis.

For example, the paragraph at the top of Page 29 makes use of Threshold 1.1. Since the paragraph starts at the bottom of Page 28 and contains a mention of three documents (a CAPCOA document, the 2008 CARB Scoping Plan, and the Updated CARB Scoping Plan of 2014, it is not clear where Threshold 1.1 originates.

However, it doesn’t matter because the Analysis states that Threshold 1.1 “demonstrates consistency with the goal of AB 32”. However, AB 32 and S-3-05 targets and goals are about what was thought, by some, back in 2005, could avoid climate destabilization, not about what anyone claimed would avoid significant impacts from all of the atmospheric GHG that mankind has put and will put into the atmosphere.

Decision makers need to know that our climate crisis is about trying to avoid a devastating



BH-10
Cont.

collapse of the human population, not about trying to avoid significant negative impacts.

Section 5, IMPACTS (starting at the top of Page 31)

Section 5 starts by casting doubt about whether or not mankind’s emissions result in an increase in the Earth’s average surface temperature, by stating (emphasis added), “Greenhouse gas (GHG) emissions *are said* to result in an increase in the Earth’s average surface temperature, commonly referred to as “global climate change.” In fact, no reputable Earth Science text book leaves any doubt about the fact that our emissions trap additional heat and additional trapped heat has, and will continue, to increase the average temperature in the Earth’s surface. The principle of cumulative impacts means more than what is stated in the first paragraph of Section 5. What needs to be considered is what is going to happen if all cities behave as Oceanside, which is to aim for a single reduction goal, just 5 years away, that has, by itself, no hope of causing the climate to stabilize at a livable level, and having no plan whatsoever to ensure that, for example, its most heavily-polluting sector, LDVs will support climate stabilization. The answer is that the earth’s life forms will be subjected to the agony of climate destabilization.

Our Climate Crisis

Cause

As shown in Reference 3 (an Earth Science text book), it is well known and well understood that this crisis is caused primarily by the following well-known facts:

- Atmospheric CO2 traps heat,
- This effect is significant, and
- Humans are adding great quantities of CO2 to the atmosphere, primarily by their combustion of fossil fuels.

Methane gas is also a significant GHG, but in Oceanside, reducing the emission of CO2 is the primary consideration.

To demonstrate that we are adding great quantities of CO2 to the atmosphere and as a way to demonstrate other important characteristics of our climate crisis, Figures 1, 2, and 3 are presented.

Figure 1 is the world-famous *Keeling Curve*. It has been called the most important scientific discovery of all time. It is the atmospheric measurements of CO2, in the units of parts per million (PPM), for the years shown. It has helped to produce information about where the CO2 from our emissions is going, since the slope shown in Figure 1 is considerably less than what would be the case if it were not for the fact that a large percentage of our emissions is going into the oceans, causing ocean acidification. (Ocean acidification is a process that, if unchecked, will eventually kill off most of the life in the oceans.)

Figure 2 shows the average yearly temperature with respect to the 1960-to-1990 baseline temperature (in blue, with the scale shown on the right side). It also shows atmospheric levels of CO2 (in red, with the scale shown on the left side). It leaves little doubt that the increase in atmospheric CO2 is the result of our industrial revolution, which started around 200 years ago, and which is still primarily fueled by the combustion of ever-increasing amounts of fossil fuels. The S-3-05 goal of 450 PPM, which will be explained later, is literally “off the chart”, in Figure 2. Figure 2 shows that, as expected, temperatures are starting to rise along with the increasing levels of CO2. The large variations in temperature are primarily due to the random nature of the amount of solar energy being received by the earth. As shown, although the temperature rise is somewhat masked by solar activity, underneath that relatively high frequency temperature

BH-10
Cont.

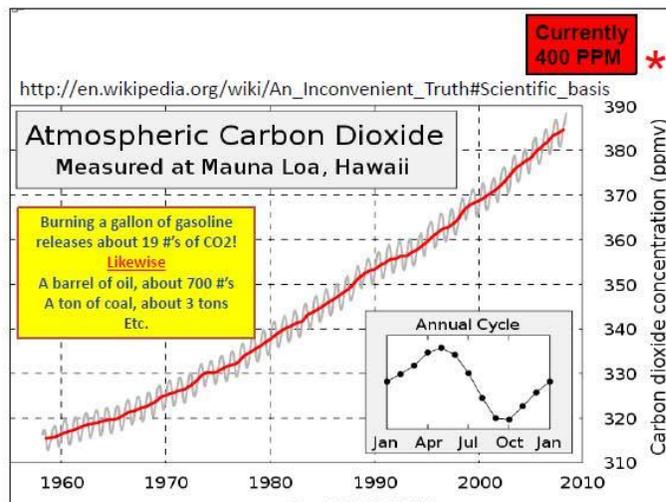
BH-11

BH-12

variation, the temperature rise, which is due to the trapped heat caused by the higher-than-normal levels of atmospheric CO₂, has started. The trapped heat's effect on our atmosphere will be delayed, to the extent it melts ice and warms the oceans. However, both of these effects are harmful.

Figure 3 shows (1) atmospheric CO₂ (in blue, with the scale on the right side) and (2) averaged-over-a-year-then-averaged-over-the-surface-of-the-earth, world atmospheric temperature (in red, with the scale on the left side). This temperature is with respect to a recent, preindustrial value. The data starts 800,000 years ago. It shows that the current value of atmospheric CO₂, which is now over 400 PPM, far exceeds the values of the last 800,000 years. It also shows that we should expect the corresponding temperature to eventually be about 12 or 13 degrees above preindustrial temperatures. This would bring about a human disaster as will be shown.

Figure 1. Measured Atmospheric CO₂ Over the Last 50 Years



BH-12
Cont.

Potential for Harm

Figure 4 is a slide that has been presented in numerous presentations on the UCSD campus in Human Impact classes and other events. It contains information from three sources of information. One states, "the Earth is on a trajectory to warm by more than 4 degrees Celsius [and this] would be *incompatible with continued human survival.*"

Figure 2 Atmospheric CO₂ and Mean Temperature, Over the Last 1,000 Years

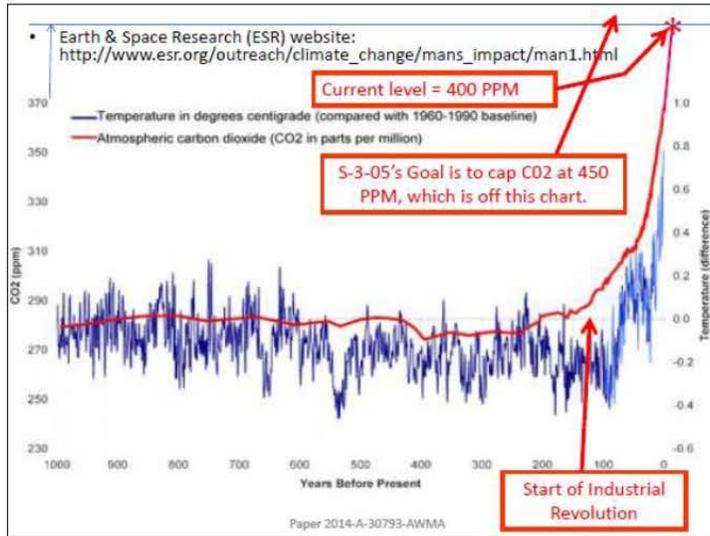
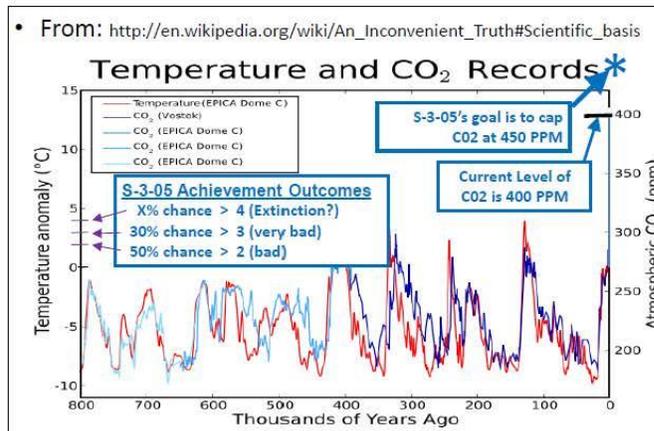


Figure 3 Atmospheric CO₂ and Mean Temperature from 800,000 Years Ago



The conclusion is that the nature of the problem dictates that we can't risk failure. If we can't get the atmospheric CO₂ to go down, we are headed towards a planet that cannot support most of its current life forms.

BH-12
Cont.

Figure 4 Power Point Slide Showing Potential for Harm

- *Scientific American* June 2008 issue
 - 550 PPM CO2 possible in several decades
 - This could (5% probability) lead to 8 Deg. Celsius of warming
 - 8 Deg. Celsius could lead to “a devastating collapse of the human population, perhaps even to extinction”
- December 24/31 2012 Issue of *Nation* magazine:

A recent string of reports from impeccable mainstream institutions—the International Energy Agency, the World Bank, the accounting firm of PricewaterhouseCoopers—have warned that the Earth is on a trajectory to warm by at least 4 Degrees Celsius

[4 Degrees Celsius] would be incompatible with continued human survival.

Winter, *UU World* magazine (p. 57) “Lags in the replacement of fossil-fuel use by clean energy use have put the world on a pace for 6 degree Celsius by the end of this century. Such a large temperature rise occurred 250 million years ago and extinguished 90 percent of the life on Earth. The current rise is of the same magnitude but is occurring faster. We must reduce or eliminate all uses of fossil fuels.

↑

BH-12
Cont.

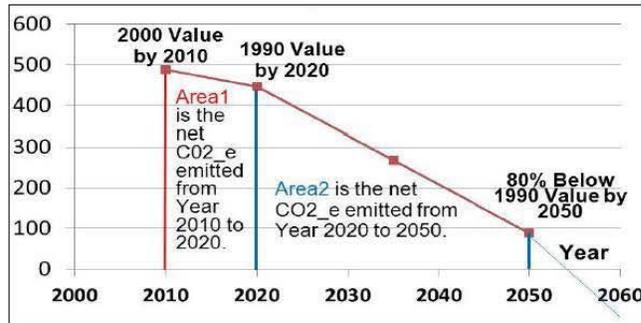
↓

How to Fix the Problem

Although S-3-05 is not the solution, it is a good place to start this discussion. Figure 5 shows the California Governor’s Executive Order S-3-05, in million metric tons per year. S-3-05 is based on the reductions the climate scientists told us, back in around year 2005, the industrialized world would need to achieve. Its greenhouse gas emission targets are the 2000 Value by 2010, the 1990 Value by 2020, and 80% below that, by 2050. The plan would have capped atmospheric CO2 at 450 parts per million by year 2050, as shown in Reference 6.

“Capping” (zero growth or zero slope) atmospheric CO2 brings up important information. If carbon is not in the atmosphere, as CO2, it is sometimes described as being “sequestered”. Most sequestered carbon is in a hydrocarbon, such as leaves, wood, or a fossil fuel. Carbon is almost all sequestered by photosynthesis (which happens when plants grow), which combines CO2 and water, to produce the hydrocarbon. On the other hand, many natural processes reverse this sequestration process, such as rotting, digestion, or fire. There is also our burning of hydrocarbons, which we do on a massive scale, reversing the sequestration of photosynthesis and putting (quoting the Earth Science text book) “great quantities” of CO2 into the atmosphere. Therefore capping the Earth’s CO2, at any value, means that our burning of fossil fuels is at a level (much lower than now) such that if it is added to the natural production of CO2, that sum will exactly equal of the total amount of photosynthesis that is occurring.

Figure 5 California's Executive Order S-3-05, in MMT per Year, CO₂_e



It is clear from Figure 3, when also factoring the information of Figure 4 (that just 4 degrees Celsius could result in human extinction), that the eventual yearly average (averaged over the year and averaged over the surface of the earth) atmospheric temperature, that corresponds to the atmospheric level of CO₂ of 450 PPM is too high to support most life forms currently living on the planet.

Never the less, as discussed in Reference (6), the 2005 plan for achieving stability (S-3-05) was to cap atmospheric CO₂ at 450 PPM by 2050, by getting our emission rate to be 80% below 1990 levels, by 2050. This shows the significance of the emission level of 80%-below-the-1990 emission value. Once the world gets its emissions to that level, we will have stabilized the atmospheric level of GHG, providing that no climate-system positive feedback emission, like methane gas from melting permafrost, for example, becomes significant. As shown by Figures 3, this hardly solves the problem. It is no more than the first important step. If we followed the S-3-05 plan, the atmospheric level of CO₂ would be at the outrageously-high level of 450 PPM, by 2050. This level will be trapping significant amounts of heat every year, changing our climate further, every year.

However, the good news is that if we have the policies and technology to get the level of emissions to 80% below 1990 values, we will probably be able to get the value lower, and then the photosynthesis will start to be larger than the sum of the background and the man-make emissions, lowering the atmospheric CO₂_e. (CO₂_e takes into account the methane and other greenhouse gases that are not CO₂ but can be put into the units of "equivalent CO₂", so they can be added to the CO₂.)

Until the atmospheric CO₂ is brought down to the pre-industrial-revolution level of around 280 PPM, our situation will continue to worsen, because the additional trapped heat will continue to change our climate. We are still on the path of increasingly negative environmental impacts. This will continue for many decades. Our species will be lucky to survive.

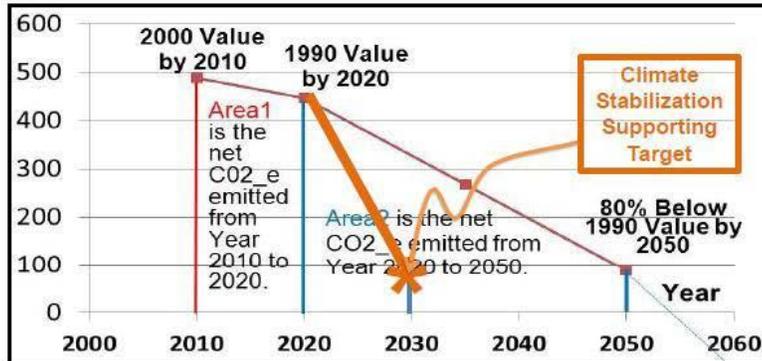
In summary, the way to solve the problem posed by our climate crisis is to get our emissions low enough, soon enough, to avoid significant climate-system positive feedback. Our emissions must be enough below the value of 80% below 1990 emissions to drive atmospheric CO₂ down to the preindustrial value of 280 PPM, before any positive earth-system feedback takes over.

It is too late to think that the S-3-05 trajectory will be adequate. California must set an

BH-12
Cont.

example for the world and since the world has not followed the S-3-05 trajectory, California will have to do what the world must do, which is to achieve much larger reductions per year, than if the world had followed the S-3-05 trajectory, from 2005 to now. On Page 9 of Reference 1, a realistic climate-stabilization target is derived, with simple mathematics. Here, "realistic" does not refer to how practical it is for our society, because the physics of our planet's climate systems is unaffected by those considerations; rather, it refers to the fact that it would probably work, to achieve climate stabilization. The mathematics is based on an unambiguous statement from Reference 7, a recent document, written by climate scientists. As shown on Page 9 of Reference 1, the climate stabilizing target is 80% below 1990 levels by 2030. In defense of this target it could be stated that some reporters, who have read and considered what climate scientists are now saying, are reporting that what we need to achieve is "decarbonization" by 2030. That is even more "aggressive" than the target derived in Reference 1. Figure 6 shows the climate-stabilizing target plotted against the S-3-05 targets and trajectories. Although formidable, Reference 1 shows how the target can be achieved, for LDVs.

Figure 6 Climate Stabilizing Target and S-3-05 targets, in MMT per Year, CO2_e



The "Luck Factor"

There is another aspect of our climate crisis that the authors of the "Analysis" failed to describe. (This comes from Reference 6.) The 2005 climate-stabilization plan that inspired S-3-05 aimed for a 2 degree Celsius increase in our Earth's average atmospheric temperature. However, the result of the plan and of the S-3-05 trajectory would have been a probability density function (pdf), not a specific result, like 2 degrees Celsius. Based on the climate scientists' best work, back in 2005, if the world would have achieved the S-3-05 plan, including bringing the atmospheric level of CO2_e down to preindustrial levels, the following probabilities would have applied, as the best estimates:

- A 50% probability that the maximum increase in temperature would be less than 2 degrees Celsius (Note that this also means that there would have been a 50% probability that the maximum temperature increase would have been more than 2 degrees Celsius; this is what it means to "aim for 2 degrees Celsius") and a
- A 30% chance that the maximum temperature would have been over 3 Degrees Celsius

BH-12
Cont.

Understanding the Risk of Various Possible Negative Impacts

The information in the above three sections, (*Potential for Harm*, *How to Fix the Problem* and *The Luck Factor*) should have appeared in the "Analysis". However more is needed. Reference 6 describes, for example, the impacts that could be expected if the Earth experienced an increase in its average atmospheric temperature of exactly 2 Degrees Celsius and how much worse it would be if the change happened to be 3 Degrees Celsius. It is accurate to describe these outcomes generally as "very bad" for the 2 Degree outcome, and "exponentially worse than the 2 Degree Celsius outcome" for the 3 Degree outcome. It is important to keep in mind that these are outcomes are for successfully achieving climate stabilization; they are not for destabilization, which is the worst possible outcome: loss of most life forms, including our own species.

Given all this, it is false to conclude that if the year 2020 target for AB 32 (the same as the middle target of the S-3-05) is achieved, there will be no significant impacts from our GHG emissions.

The threshold of significance that is shown in the Analysis is not reasonable, given the facts of our climate crisis.

Additional Summary Statements about Our Climate Crisis

The Analysis must provide decision makers with the background information they need to make an informed decision. The fact is that we have a climate crisis on our planet is not stated. Recent climate science shows that several serious negative and irreversible climate events have begun and many more such events are sure to occur. Destabilization will occur unless significant reductions and/or sequestration of GHGs equivalent to 80% below 1990 levels are achieved by 2030. Decision makers also need to see a set of feasible mitigations that, taken together, would achieve the climate stabilization target and then even more reductions, to bring the atmospheric level of CO₂ all the way down to the pre-industrial level of 280 PPM.

Meeting the Requirements of CEQA

Need for Targets & Sufficient Mitigations

CEQA requires that negative environmental impacts be *considered*. Climate destabilization is a negative impact. To be sufficient, the *consideration* of negative environmental impacts must identify mitigation measures that are sufficient to achieve avoidance of the unacceptably-severe negative impacts, if possible.

Therefore, to meet the requirements of CEQA and to avoid contributing to climate destabilization, it is necessary to

- Identify a climate-stabilization target set that is based on current science and
- Develop a set of mitigation measures that, taken together, will achieve the climate stabilization target set, for each significant GHG-emitting category.

Therefore the Analysis should include both of these items. The largest category is LDVs.

Example, for Cars and Light-Duty Trucks (LDVs)

Reference 1 is an example of a report that develops a climate-stabilizing target and a plan to achieve that target, for the sector that emits the most GHG, LDVs. The target is computed on Page 9 of Reference 1. The work developing a set of LDV-efficiency requirements, which can become mitigation measures under CEQA, is shown on Pages 9 to 17 in Reference 1. Reference 1 then computes the corresponding per-capita driving level, compared to 2005. The year of 2005 is used because it is the base year for the SB 375 driving reduction targets.

Finally, Reference 1 then shows, on Pages 17 to 20, a set of mitigation measures to achieve the per-capita driving reduction needed.

BH-12 Cont.

These mitigation measures will be described further in the following sections of this letter.

Transportation Measures to Ensure that LDVs in Oceanside Support the Reference 1, Climate-Stabilizing Target of 80% Below the 1990 Level by 2030

More detail on these transportation measures, as well as measures that are not transportation measures, can be found in Reference 8.

Urge SANDAG to Fulfill its Climate Responsibilities to the Public and to Comply with CEQA

The City should adopt a resolution directing its SANDAG delegate to take all reasonably available steps to get SANDAG to compute the driving-reduction targets required to support a science-based climate-stabilization trajectory, using a reasonable assumption of fleet efficiency for target years, and to adopt a Regional Transportation Plan (RTP), with a Sustainable Communities Strategy (SCS, feasible strategies, as described in SB 375) and an Alternative Planning Strategy (APS, infeasible strategies, as described in SB 375), if needed, that will achieve the needed driving-reduction targets.

LDV Fleet Efficiency in Oceanside

This is primarily a state issue. The state needs to first develop a plan, as is shown in Reference 1, for example, to ensure that LDVs will support climate stabilization. It then needs to implement the plan legislatively, to ensure that the needed LDV fleet efficiency is achieved in time. This needs to be requested by the City, in a formal letter, sent to the leaders of California state government. In addition, the City should adopt a resolution directing its SANDAG delegate to take all reasonably available steps to get SANDAG to back up the City in this request, in a letter to the state.

Non-LDV, On-Road Vehicle Efficiency in Oceanside

The actions in the above "LDV Fleet Efficiency in Oceanside" subsection need to be also done for the vehicles operating in Oceanside that are not LDVs, such a medium duty and heavy duty trucks. The state needs to start by creating a systems engineering Requirements Document, for the non-LDV vehicles operating in California, specifying the required vehicle efficiency and the corresponding VMT to achieve the climate-stabilizing targets.

Rail Vehicles Operating in Oceanside

The City needs to request SANDAG and the State to electrify all the rail vehicles operating in Oceanside, as soon as possible. Not only is diesel exhaust a GHG, it is also classified as (because it is known to be) a known carcinogen. Oceanside should adopt a resolution directing its SANDAG delegate to take all reasonably-available steps to get SANDAG to back up the City in this request, in a letter to the state.

Urge SANDAG to Reallocate Funds Earmarked for Highway Expansion to Transit and Transit-Design Upgrades

San Diego County has a sales tax measure called "Transnet", which allocates one-third for highway expansion, one-third for transit, and one-third for road maintenance. It has a provision that allows for a reallocation of funds, if supported by at least two-thirds of SANDAG Board members, including a so-called weighted vote, where governments are given a portion of 100 votes, proportional to their population. SANDAG could reallocate the Transnet amount that is earmarked for highway expansion, to transit. Oceanside should adopt a resolution directing its SANDAG delegate to take all reasonably-available steps to get SANDAG to take these actions.

The reallocated money could be used to fund additional transit systems; improve transit operations; and/or perform the redesign and implementation of the redesign of existing transit



BH-12
Cont.

systems. The redesign could include electrification and/or automation.

Eliminate or Greatly Increase the Maximum Height and Density Limits Close to Transit Stops that Meet Appropriate Service Standards

As sprawl is reduced, more compact, transit-oriented development (TOD) will need to be built. This strategy will incentivize a consideration of what level of transit service will be needed, how it can be achieved, and what levels of maximum height and density are appropriate. Having no limits at all is reasonable if models show that the development can function without harming the existing adjacent neighborhoods, given the level of transit service and other supporting transportation policies (such as car parking policy that unbundles the cost and supports the full sharing of parking) that can be assumed.

Education Program and Infrastructure Projects to Increase the Use of Bicycle Transportation, to Reduce Driving

Oceanside should adopt a resolution directing its SANDAG delegate to take all reasonably available steps to get SANDAG to help the City in these requests. However, if SANDAG will not help, the City will still need to work to get this program and projects done on its own.

The criteria for spending money for bicycle transportation should be to maximize the resulting estimated reductions in driving. The following strategies will probably do this.

Projects

Each of SANDAG's smart growth place types, both existing and planned, shown on SANDAG's well-documented Smart-Growth Concept Map, in Oceanside, should be checked to see if bicycle access could be substantially improved with either a traffic-calming project, a "complete streets" project, more shoulder width, or a project to overcome some natural or made-made obstacle. These projects should be prioritized using a cost/benefit ratio metric.

It is hereby assumed that 80% of the money available for the Regional Bicycle Plan (over a billion dollars), allocated to Oceanside, should be used to fund the projects. They should be selected for implementation, from the top of the list (lowest cost-to-benefit ratio) down, until the money is used up. An example of one of these projects, to serve the proposed town center just northeast of the corner of I-5 and SR-78, is to devise a method, probably a bridge, to restore the shortest-distance bicycle route from Vista Way to Vista Way, which is currently interrupted by Interstate 5. This would connect a large South Oceanside coastal neighborhood with a regional shopping center, which includes a large grocery store, avoiding a circuitous and hilly current route. As part of this improvement, the signalized intersections on Vista Way, between I-5 and El Camino should be upgraded to be traffic circles, with the road width reduced from four to three lanes ("road diet") between the traffic circles, as shown in the City's Coast Highway Vision plan, for the Coast Highway.

Building recreational bike paths may not be a cost-effective expenditure. It sends a message that bikes do not belong on the road.

Education

The remaining 20% (where the 80%-to-20% ratio of Project-to-Education money should be verified with the best estimates possible, to maximize the driving-reduction using the money available to Oceanside) should be used to do the following, using the League of American Bicyclist's "Traffic Skills 101" class, taught by League (this stands for the League of American Bicyclists) Certified Instructors ("LCI").

- 1.) Teach students about bicycle accident statistics (most serious injuries occur to cyclists in accidents not involving a motor vehicle), car-bike accident statistics (most are caused by wrong-way riding and errors in intersections), and how to ride in all conditions, to minimize problems.



BH-12
Cont.

2.) Teach students riding-in-traffic skills and how to ride in other challenging conditions, by having the class members and instructor go out and ride in real conditions, until proficiency is achieved.

Students that pass a rigorous written test and demonstrate proficiency in traffic and other challenging conditions are paid for their time and effort, to ensure that the number of students can be large enough to make a significant difference.

To be clear, these classes should be based on the curriculum developed by the League of American Bicyclists and taught by instructors certified by the League.

Assuming a class size of 4 riders per instructor and that each rider passes both tests and earns \$100 and that the instructor, with overhead, costs \$400 dollars, for a total of \$800 for each 4 students, means that \$10M (assuming Oceanside gets 5% of the \$1B available to SANDAG for bicycles and then 20% of this is available for this education program, or $(.05) \times (.20) \times (\$1B) = \$10M$) could educate $\$10M / \$800 = 12,500$ classes of 4 students, for a total of 50,000 students, out to year 2050. This is about $[50,000 / 170,000] \times 100\%$, or nearly 30% of the total (all ages) population of Oceanside (about 170,000).

Unbundling the Cost of Car Parking

For the vast majority of destinations in Oceanside, the cost of car parking is hidden within other costs. This has serious consequences. For example, at most places of employment, parking costs reduce the wages that can be paid to all the employees, even those that never use the parking. Similarly, at most apartment complexes, bundled parking costs increase the rent and this is true, even for families that do not own a car. Bundled parking costs routinely increase the costs of goods, such as groceries, for all customers. Again, this is even true for those not driving to the grocery store. Since governments, including the City of Oceanside, require businesses to provide minimum levels of parking, they are involved in this economic discrimination against those that drive less than average.

In the summer of 2010, Reference 9 was presented at the Air and Waste Management Association, in Calgary, Canada, in a session named *Sustainable Land Use and Transportation*. The paper was peer-reviewed and published as a proceeding of the Conference. It is also hosted on the internet by the City of San Diego, as part of the City's Climate Action Plan work.

The following points, taken from Reference 9, apply.

- Vehicle miles traveled (VMT) are a major cause of global warming and pollution.
- California's Metropolitan Planning Organizations (MPOs) need to adopt strategies that reduce vehicle miles traveled (VMT), in order to at least meet the S-3-05 trajectory, for years 2020 and 2035.
- The appropriate pricing of parking is one of the least costly tools documented to reduce VMT.
- New technologies, such as sensors feeding computer-generated billing, offer the potential to efficiently bill drivers for parking and alert law enforcement of trespassers.
- Parking-lot earnings can be sent to all members of a group if the parking is built for that group, such as employees.
- Methods to unbundle parking cost should support the spontaneous sharing of parking spaces. Shared parking, with unbundled cost, would ultimately allow the City to require significantly (5% to 20%) less parking, saving everyone money.
- Typical current systems of timed parking and metered parking are far from ideal. Such parking is inconvenient to drivers and has no automated record keeping to determine



BH-12
Cont.

where there is too much or too little parking.

- Good policies will eventually let cities and counties turn parking minimums into parking maximums.

Less land and resources devoted to parking will support mixed use and make “smart growth” more economically viable. It should therefore be a key ingredient of Oceanside’s plan to achieve climate-stabilizing targets.

The City should play a pivotal role by helping to fund or find a grant to fund a demonstration project, at City Hall for City employees, a school, or at a pioneering, private-company office.

Reference 9 describes an implementation strategy, on its Page 16. It starts by implementing a demonstration projects. Reference 10 shows the details of how a demonstration project could be implemented. It would probably be possible to obtain a grant, from SANDAG, a state agency, or the federal government, to install the first systems.

The City has the authority, in its off-street parking ordinances, to require cooperation with an agency implementing unbundling and this would be the correct action, after a sufficient number of successful demonstrations have been achieved. “Successful” would mean that nearly all stakeholders would be pleased with the program.

If fully implemented throughout Oceanside, this strategy, which is feasible mitigation under CEQA, would, by itself, probably decrease driving throughout Oceanside by between 8% and 25%. This is shown in Table 1 of Reference 9.

The City would need to develop a plan to have the system functioning over most of the City, in about 10 years. It should be kept in mind that the climate crisis is real and we need significant change in time to avoid climate stabilization.

A Comprehensive Road-Usage Charge (RUC) Pricing and Payout System to Unbundle the Cost of Operating Roads

Comprehensive means that pricing would be set to cover all costs (including road maintenance and externalities such as harm to the environment and health); that privacy and the interests of low-income drivers would be protected; that the incentive to drive fuel-efficient cars would be at least as large as it is under the current fuels excise tax; and, as good technology becomes available, that congestion pricing is used to protect critical driving from congestion.

The words *payout* and *unbundle* mean that the money collected, minus the cost of road maintenance, would go to people and institutions losing money under the current system.

User fees (gas taxes and tolls) are not enough to cover road costs in California. Even though the state is using general funds to maintain roads, it is still failing to properly maintain its roads. The improved mileage of newer internal combustion engine (ICE) LDVs and the large number of zero-emission vehicles, needed to support climate stabilization (shown in Reference 1), means that gas tax revenues can be expected to drop significantly.

Reference 2, a letter from Jim Madaffer, Chair of the California Road User Charge (RUC) Technical Advisor Committee (TAC), shows that this work is ongoing. However, there is no guarantee that the resulting RUC will be environmentally sound. For this reason, the City needs to send a letter to the RUC making these Reference 11 points:

The RUC should have the following characteristics:

- (1) Would cover all road-use costs, including the environmental and health costs caused by driving
- (2) Could still include and take into account a fuel tax
- (3) Would keep the per-mile price incentive to drive energy-efficient cars at least as large as it

BH-12
Cont.

is with today's fuel excise tax, with the exception being for cars that have a low value, as follows in Item 4

(4) Would mitigate impacts on low-income users (For example a car worth \$5,000 that gets 12 miles per gallon would be charged less per mile than a car worth \$40,000 that gets 12 miles per gallon. Low-value gas-guzzlers would be removed from the road, as needed, with incentives, rather than a high cost per mile being charged.)

(5) Would protect privacy

(6) Would include congestion pricing, when that technology becomes feasible

(7) Would send its earnings (money left over after maintenance and operations) to all citizens and institutions that are losing money under the current system, to achieve a full and just compensation.

Oceanside should adopt a resolution directing its staff to lobby the RUC TAC to adopt a RUC with all of these features. If the RUC TAC does not seem willing, then the City should adopt a resolution directing its staff to lobby the California Senate and Assembly to write legislation to require the RUC TAC to include these features.

Also, Oceanside should adopt a resolution directing its SANDAG delegate to take all reasonably available steps to get SANDAG to help the City in these requests to the RUC TAC and, if needed, the California Senate and Assembly.

Concluding Statements Concerning Transportation in Oceanside

As shown in Reference 1, if these efforts are successful, cars and light-duty trucks, one of the most important, complicated, and challenging sources of GHG, will meet a realistic climate-stabilizing target for 2030 (80% below 1990 levels). This will set in motion further reductions that will naturally occur after 2030. It must be hoped that other cities in San Diego County, SANDAG, the State, and other states and other countries will follow this lead, to result in the world achieving climate-stabilizing GHG reductions.

Measures to Ensure that Other Sources (Not Transportation) of GHG in Oceanside Support the Reference 1, Climate-Stabilizing Target of 80% Below the 1990 Level by 2030

These measures should include requiring new buildings to be energy net zero and adopting a community choice energy district, under the State's Community Choice Aggregation (CCA) law.

Final Comment

The analysis of GHG impacts is based on a faulty threshold of significance, faulty analysis and a conclusion that GHG impacts are not significant that is not supported by the facts. Project specific and cumulative GHG impacts are significant and have not been mitigated. This remains a significant adverse impact. We urge you to conduct a proper analysis of GHG impacts and recirculate the corrected documentation. We further urge the City to adopt a Climate Action Plan (CAP) that achieves climate-stabilizing targets, so that this project and future projects will be based on an accurate, current inventory of GHG, and a local CAP that will reduce GHG impacts as is required by state law.

Thank you for your leadership.

Respectfully submitted,



Mike Bullock
 1800 Bayberry Drive
 Oceanside, Ca 92054
 760-754-8025
 Chair of the Sierra Club San Diego Transportation Subcommittee

BH-12
 Cont.

 BH-13

REFERENCES

- 1 Bullock, Mike R; *The Development of California Light-Duty Vehicle (LDV) Requirements to Support Climate Stabilization: Fleet-Emission Rates & Per-Capita Driving*, Paper 30973-AWMA, from the Air and Waste Management Association's 107th Annual Conference and Exhibition; Long Beach, CA, June 24-27, 2014; available on request from mike_bullock@earthlink.net
- 2 Madaffer, Jim; *Letter from the Chair of the Road Users Charge Technical Advisory Committee to Stakeholders*, May 5, 2015. http://www.catc.ca.gov/meetings/Committees/Road_Charge/Road_Charge_March_27_2015/Stakeholder_Agenda_Letter_March_2015.pdf
- 3 Tarbuck, E.; Lutgens, F.; *Earth Science*; Tenth Edition, published by Prentice Hall, 2003, page 539
- 4 Bullock, Mike R; *A Climate-Killing Regional Transportation Plan Winds Up in Court: Background and Remedies*, Paper 2013-A-13309-AWMA, from the Air and Waste Management Association's 106th Annual Conference and Exhibition; Chicago, IL, June 2013; available on request from mike_bullock@earthlink.net
- 5 *Supplemental Writ of Mandate*; Filed by the Clerk of the Superior Court of the State of California, County of San Diego, on May 4, 2015; No. 37-2012-00101054-CU-TT-CTL; Action Filed July 20, 2012; Sierra Club v. County of San Diego
- 6 Vespa, M.; *Comments on Survey of CEQA Documents on Greenhouse Gas Emissions Draft Work Plan and Development of GHG Threshold of Significance for Residential and Commercial Projects*, Letter from Center for Biological Diversity to Elaine Chang, Deputy Executive Officer of Planning, Rule Development, and Area Sources of the South Coast Air Quality Management District; dated April 15, 2009. [http://www.agmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-10/ghg-meeting-10-cbd-comment-letter.pdf?sfvrsn=2](http://www.agmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-10/ghg-meeting-10-cbd-comment-letter.pdf?sfvrsn=2)
- 7 Hansen, James, *Brief of Amicus Curiae, Exhibit A*; United States District Court for the Northern District of California San Francisco Division, Case4:11-cv-02203-EMC Document108 Filed 11/14/11 <http://ourchildrenstrust.org/sites/default/files/Hansen%20Amicus%20.pdf>
- 8 San Diego Sierra Club; *Measures for Municipal Government Climate Action Plan (CAP) Improvement*; unpublished; undated; available on request from mike_bullock@earthlink.net
- 9 Bullock, M.; Stewart, J.; *A Plan to Efficiently and Conveniently Unbundle Car Parking Costs*; Paper 2010-A-554-AWMA, from the Air and Waste Management Association's 103rd Annual Conference and Exhibition; Calgary, Canada, June 21-24, 2010. <http://sierraclub.typepad.com/files/mike-bullock-parking-paper.pdf> or <http://www.sandiego.gov/environmental-services/pdf/sustainable/parkingcosts.pdf>
- 10 Bullock, Mike; *Equitable and Environmentally-Sound Car Parking Policy at a Work Site*; Oct. 4, 2014; unpublished report; available on request from mike_bullock@earthlink.net
- 11 Bullock, Mike; *Environmentally-Sound and Economically-Fair Road Usage Charge*; a resolution of the California Democratic Party Environmental Caucus; approved on May 16, 2015.

Response to Comment Letter BH

Mike Bullock
June 16, 2015

BH-1 The commenter requests that the GHG analysis be returned for revision and then recirculated before consideration by the City at a public hearing. For the reasons explained below, clarifications made to the GHG analysis following circulation of the Draft EIR do not present new information on substantial adverse project impacts or feasible mitigation measures or alternatives that will not be adopted. Thus, CEQA does not require recirculation of the EIR.

CEQA requires an EIR to be recirculated when the addition of new information deprives the public of a meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives that are not adopted. (*Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1993) 6 C4th 1112; CEQA Guidelines, §15088.5(a). The critical issue in determining whether recirculation is required is whether any new information added to the EIR is “significant.” If added information is significant, recirculation is required under Public Resources Code section 21092.1. The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it. (*Silverado Modjeska Recreation & Park Dist. v County of Orange* (2011) 197 Cal.App.4th 282, 305; *Save Our Peninsula Comm. v Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 131; *Sutter Sensible Planning, Inc. v Board of Supervisors* (1981) 122 Cal.App.3d 813, 822.)

In Laurel Heights Improvement Ass'n v Regents of Univ. of Cal. (1993) 6 Cal.4th 1112, 1130 (Laurel Heights II), the court gave four examples of situations in which recirculation is required:

- When the new information shows a new, substantial environmental impact resulting either from the project or from a mitigation measure;
- When the new information shows a substantial increase in the severity of an environmental impact, except that recirculation would not be required if mitigation that reduces the impact to insignificance is adopted;
- When the new information shows a feasible alternative or mitigation measure, considerably different from those considered in the EIR, that clearly would lessen the significant environmental impacts of a project and the project proponent declines to adopt it; and

- When the draft EIR was “so fundamentally and basically inadequate and conclusory in nature” that public comment on the draft EIR was essentially meaningless.

Any new information concerning GHG that has been added to the EIR since circulation of the Draft EIR serves simply to clarify or amplify information already found in the Draft EIR, and does not raise important new issues about significant effects on the environment. As revised, the Draft EIR continues to conclude that the project would not have a significant adverse impact on GHG and therefore is not required to propose mitigation measures or alternatives that reduce impacts relating to GHG. Because the project does not result in significant GHG impacts, no GHG related mitigation measures are required. (See Pub. Resources Code §§21100(b)(3), 21150; CEQA Guidelines, §15126.4(a)(3); *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 649-650, 653 [EIR not required to discuss green energy credits as a mitigation measure for energy impacts when the EIR had determined that the project’s energy impacts would be less than significant].) The fact that commenter disagrees with the City’s threshold and methodology for analyzing impacts does not trigger new information of a substantial environmental impact. Therefore, the clarification provided in the EIR responding to such comments are insignificant for purposes of CEQA, particularly as set forth in Section 15088.5(b) of the CEQA Guidelines.

BH-2 The commenter disagrees with the threshold of significance adopted by the City for GHG impacts, states that the logic behind the City’s significance threshold is flawed and that the City’s approach will lead to “a devastating collapse of the human population and the loss of most life forms currently living on this planet.” Please refer to Response to Comment D-7 for an explanation of the methodology and threshold of significance applicable to the project’s analysis of GHG impacts. As set forth in CEQA Guidelines, §15064.4(a), the City has broad discretion to select the appropriate methodology for analyzing GHG impacts, and substantial evidence supports the adequacy of the Business As Usual (BAU) methodology adopted by the City for the project (See Response to Comment D-7). The threshold of significance adopted for the project is whether or not the project interferes with the State’s implementation of GHG emission targets as expressed in AB 32, Executive Order S-3-05 and Executive Order B-30-15 [identifying an interim target of reducing GHG emissions to 40% below 1990 levels by 2030]. The experts at CARB and CAPCOA have endorsed a BAU analysis for evaluating that impact. The local court of appeal has also validated this threshold of significance. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 336 [Finding that under CEQA Guidelines § 15064.4(b), local agencies are allowed to decide what

threshold of significance it will apply to a project and that the City “properly exercised its discretion to utilize compliance with AB 32 as the threshold.”]; see also, *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 841 [“The City properly adopted Assembly Bill 32’s reduction targets for GHG emissions as the threshold-of-significance standard in determining whether the Project’s GHG emissions constituted a significant environmental impact.”]) The City acknowledges that the commenter disagrees with the threshold of significance adopted for the project and conclusions reached regarding GHG.⁶ The commenter advocates for a threshold based on achieving worldwide climate stabilization rather than non-interference with AB 32 and state GHG emission targets, that are calculated to California to achieve climate stabilization. As further discussed herein, and as the commenter acknowledges, climate change is a global issue that requires global action and cannot be resolved by the City alone. The City is supportive of the state policy for reducing GHG emissions as set forth in AB 32 and exercises its discretion to establish a threshold of significance based on whether the project’s GHG emission interfere with the state’s ability to achieve its GHG emissions targets. The commenter’s disagreement with the City’s methodology provides for robust debate and informed decision making, but does not invalidate the analysis in the EIR. (*North Coast Rivers Alliance v. Marin Mncipal Water Dist. Bd. of Dir.* (2013) 216 Cal.App.4th 614, 653 [disagreement with significance conclusion on GHG not a basis for setting aside EIR]; *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 475-76 [disagreement over climate change responses did not render responses inadequate].)

The commenter also argues that the City must “adopt climate-stabilizing targets and a set of plans, for each significantly-emitting category” before any new development can be approved under CEQA. CEQA imposes no such requirement on local agencies. CEQA Guidelines section 15183.5(b) states that “public agencies *may* choose to analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of

⁶ The commenter refers to data by University of San Diego’s Energy Policy Initiative Center (EPIC) on the percentage of GHG emissions from light duty vehicles in EPIC’s report on San Diego County Greenhous Gas Inventory. As noted above, the City has broad discretion to select the data and threshold of significance it finds most appropriate. Courts have specifically held that a lead agency does not abuse its discretion when it evaluates GHG emissions pursuant to AB 32 rather than the methodology proposed by another source. *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 337. Indeed, the *Citizens* case specifically rejected the petitioner’s claims that the City of Chula Vista had to “achieve a 33 percent reduction below the business as usual threshold required for San Diego County as set forth in an “On-Road Transportation Report” (the Report) which is a component of the San Diego County Greenhouse Gas Inventory.” *Id.* at 337. The court stated, “[a]s we explained above, the City had the discretion to not adopt this different threshold. Thus, we do not respond to Citizens’ arguments premised on this different inventory. In any event, the Report acknowledged that AB 32 does not require cities or counties to reduce emissions by a certain amount, and noted that the required reductions listed were ‘theoretical.’” *Id.* at 337.

greenhouse gas emissions or similar document.” ([emphasis added].) The Guideline goes on to identify elements that must be included in such a plan, including quantifying GHG emissions, establishing a threshold GHG emissions level for identifying cumulatively considerable impacts; identifying and analyzing GHG emissions from specific actions; specifying measures to collectively achieve a specified emissions level; monitor the plan’s progress and require amendment as appropriate; and require that the plan be adopted through a public process following environmental review. (*Id.* at (b)(1).) Contrary to the commenter’s assertion, the law permits, but does not require the City to adopt a climate-stabilizing plan. Indeed, it would not be practical or effective for the City to regulate cars and light-duty trucks in an effort to reduce GHG emissions as the commenter suggests. For example, the City could not turn cars away from its streets simply because they do not meet certain emissions thresholds. Reduction of vehicle emissions is best managed through statewide regulatory measures as contemplated in the Scoping Update. Indeed, only state and federal agencies can regulate vehicle emissions. (*Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1058.) The State has the jurisdiction and resources to implement broad GHG reduction strategies pursuant to AB 32 and the Scoping Plan; the City commits not to interfere with the State’s efforts in that regard. To that end, the State has implemented regulations relating to low-carbon fuel standards, reducing aerodynamic drag from existing trucks and trailers through retrofit technology, port electrification to reduce engine emissions of docked ships, a cap and trade program. (DEIR, p. 4.6-9-10)

The commenter incorrectly states that the proposed project is not within easy walking distance to jobs, shopping, and other amenities, and has very poor public transit. In fact, the project site is within very close proximity (less than a quarter mile) to the Old Grove shopping center, which has a large grocery store, a home improvement center, several restaurants, and a medical center. In addition, to ensure safe access to those amenities, the project applicant is funding a sidewalk improvement project along its frontage (Pedestrian Priority Project #19 as identified within the City’s Circulation Element). In conjunction with the Mission Avenue improvements, a bus stop is proposed on the street frontage near the western end of the site at the Community Park location. This bus stop would tie into the project circulation amenities and provide additional access to bus transit for residents of the project and surrounding area

- BH-3** Comment noted. The threshold of significance for CEQA purposes is whether or not the project interferes with the State’s implementation of GHG emission targets as expressed in AB 32, Executive Order S-3-05 and Executive Order B-30-15, not whether or not the City has adopted a climate stabilization plan or whether the project would be consistent with such a City-adopted plan. AB 32, the Climate Change

Scoping Plan and the First Update to Climate endeavor to do California's fair share toward achieving climate stabilization, but acknowledges that ultimate climate stabilization requires "other developed countries to substantially reduce their emissions in the near term." (See First Update to Scoping Plan, at pp. 12-13.) As discussed in Response to Comment BH-2, the City lacks the jurisdiction and resources to accomplish climate stabilization for California, much less then entire world. However, CEQA does not require a lead agency to have a plan to stabilize the entire state's or world's climate. CEQA requires a lead agency to analyze whether this particular project's GHG emissions are cumulatively considerable. The City has properly exercised its discretion to analyze the project's GHG impacts in terms of whether or not they interfere with the State's ability to meet its GHG reduction targets, which are set at a level calculated to assure that California is doing its fair share to achieve climate stabilization. The City is required to comply with the California Environmental Quality Act, which does not mandate that the City make up for emissions reductions that would be needed for any other state or country to do their fair share. Through AB 32 and other regulatory tools available to the State, the State is on target to reduce GHG emissions to the levels set forth in AB 32 and the Executive Orders. (See Response to Comment E-18) With regard to circulation improvements, the GHG emissions associated with the road improvements (additional vehicles) is analyzed in the Draft EIR. (See, DEIR, p. 4.6-21)

BH-4 Comment noted.

BH-5 This comment repeats facts cited regarding the greenhouse effect in the Draft EIR and makes statements/raises questions regarding the warming effect of GHGs. The City acknowledges that there is a scientific consensus that global warming is at least in part caused by human activity and that GHG's have a warming effect on the earth. (See, DEIR, p. 4.6-2-3; Updated Scoping Plan at p. 8.) The discussion of the potential impacts of global warming already includes loss in snow pack, sea level rise, an increase in extreme heat and high O₃ days, more large forest fires, and more droughts. (See DEIR, p. 4.6-3.) These matters do not concern the project's impact on GHG and global climate change.

BH-6 Table 3 of the Greenhouse Gas Analysis (Appendix F of the DEIR), states that the 459 MMT CO₂E is a measure of annual emissions. Regarding Q9 and Q10 in the comment, this data was taken directly from CARB's First Update to the Climate Change Scoping Plan (2014). Please refer to the following website for information regarding CARB's GHG inventory: <http://www.arb.ca.gov/cc/inventory/data/data.htm>.

BH-7 This comment states that “without significant reductions in our GHG emissions, we are headed towards human extinction.” The comment also states that “society must develop greenhouse gas reduction measures that are effective, enforceable and comprehensive” to achieve climate stabilization necessary for “Earth’s species to survive.” The project does not interfere with the State’s implementation of AB 32, which identified GHG reduction targets in recognition of the need to achieve climate stabilization. (See Updated Scoping Plan, p. 12-13.) Through AB 32 and the CARB Scoping Plan, the State of California has developed and is currently implementing a plan that even the commenter acknowledges does its fair share to address global warming.

Achieving climate stabilization requires global action and cannot be solved by the City alone. This is because climate change is not the result of any one project but of GHG emissions generated globally over many decades by a vast number of different sources. Intergovernmental Panel on Climate Change (IPCC), *Understanding and Attributing Climate Change* (2007). Indeed, AB 32 states “National and international actions are necessary to fully address the issue of global warming. However, action taken by California to reduce emissions to greenhouse gases will have far-reaching effects by encouraging other states, the federal government, and other countries to act.” (Health & Safety Code, § 38501(c).) “Recognizing the interconnected and multi-jurisdictional nature of climate change, California has established a wide range of partnerships, both within and beyond its borders, to promote its own best practices and learn from others while further leveraging the State’s leadership in climate protection.” (CARB, First Update to Scoping Plan, p. 113-116.) In this regard, the State works with the Western Climate Initiative and other alliances of states. (*Id.*) At the federal level, many of California’s policies and programs have served as models for action and California has worked with the U.S. Department of Energy, U.S. Environmental Protection Agency, the U.S. Department of Transportation and others to develop climate solutions. (*Id.*) Internationally, the State is engaged with many jurisdictions to share best practices, build capacity and pioneer new policy tools. (*Id.*) The President is also actively negotiating GHG reduction policies and strategies with countries around the world⁷ to reduce GHG emissions worldwide. The U.S. is a party to the United Nations Framework Convention on Climate Change and other agreements committing to reduce GHGs.

With regard to California, as discussed the Scoping Plan and the First Update to Scoping Plan, the State is implementing enforceable regulatory measures in California that are on target to reduce GHG levels in line with AB 32 targets. (See

⁷ <http://www.theguardian.com/environment/2015/mar/31/us-set-to-propose-emissions-cuts-of-28-ahead-of-global-climate-treaty>

DEIR, p. 4.6-9; Response to Comment E-18.) California's leadership inspires other states and nations to implement similar measures in furtherance of reducing global GHG emissions. For purposes of CEQA, however, the relevant fact simply is that the Project does not interfere with AB 32 and state emissions targets and therefore the amount of GHG emission related to the project are not cumulatively considerable.

The comment also states that the EIR only analyzes the 2020 GHG reduction target. The EIR and GHG analysis have been clarified to include an analysis of whether the Project interferes with the State's ability to achieve the goal of reducing GHG emissions to (i) 40% below 1990 levels by 2030 pursuant to Executive Order B-30-15 and (ii) 80% below 1990 levels by 2050 pursuant to Executive Order S-3-05. (See DEIR, pp. 4.6-16 and on.) The comment quotes CARB's First Update to Scoping Plan's statement that these targets "will ensure that we can achieve our long-term objective of *reducing California's greenhouse gas emissions to the scientifically recognized level for climate stabilization.*" (Comment Letter page 4.)

BH-8 The commenter is correct in his understanding of the identified acronyms. The comment does not raise specific issues related to the adequacy of the environmental analysis in the DEIR; therefore, no additional response is provided or required.

BH-9 This comment suggests that the City is obligated to adopt CALGreen Tier 2 standards and other mitigation measures under CEQA. The City disagrees with this statement. Substantial evidence in the Draft EIR demonstrates that the project does not have a significant adverse impact on GHG/climate change. Consequently, CEQA does not require the City to adopt any mitigation measures aimed at reducing the Project's GHG emissions. (Pub. Resources Code, §21100(b)(3), CEQA Guidelines, §15126.4(a)(3); *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 CA4th 614, 649-650, 653.)

The commenter also questions whether the GHG reduction targets identified in Executive Order S-3-05 continue to be sufficient to achieve climate stabilization (GHG emissions at 1990 levels by 2020, and at 80% below 1990 levels by 2050). The City, in reliance of the experts at CARB, believes the GHG reduction targets identified in the Executive Order continue to be relevant. This is validated by the fact that the Updated Scoping Plan, adopted just last year, continues to operate off the GHG reduction targets identified therein and states, "will ensure that we can achieve our long-term objective of *reducing California's greenhouse gas emissions to the scientifically recognized level for climate stabilization.*" Similarly, Executive Order B-30-15, adopted earlier this year, continues to describe the State's GHG reduction targets as those set forth in Executive Order S-30-05. The comment also raises a number of questions regarding the

City's understanding of climate stabilization. The City adopts that analysis set forth in the CARB Updated Scoping Plan with regard to climate stabilization. Note the EIR has been updated to reference the Updated Scoping Plan.

The commenter asks if the City would support electrification of AMTRAK trains. The City would analyze such a proposal if it is presented. The commenter asks if 1.5 million zero-emission vehicles by 2023 is sufficient to support climate stabilization. As discussed in the Scoping Plan and Updated the Scoping Plan, the State's program for reducing GHG emissions includes many components. Increasing the number of zero-emission vehicles and reducing vehicle miles traveled pursuant to SANDAG's RTP are portions of a larger plan for reducing emissions. The commenter's discussion about SANDAG's 2050 RTP and Sustainable Communities Strategy is not binding on the project; as the comment notes. SANDAG's plan is the subject of current litigation. There is no legal requirement to evaluate the project for consistency with the SANDAG plan. Finally, as discussed in Response to Comment E-18, the project complies with the direction given by the majority opinion in that case (*Cleveland National Forest Foundation v. SANDAG*) so if the Supreme Court affirms it, there is no change needed in the project's GHG analysis. If the Supreme Court rules in favor of SANDAG, then the extra analysis in the EIR of impacts beyond 2020 is just helpful information for the public and decision makers. The nine key focus areas in the Updated Scoping Plan are energy, transportation, agriculture, water, waste management, natural and working lands, short lived climate pollutants, green buildings, and cap-and-trade regulations. (See Scoping Plan Update, pp. 35-87.)

BH-10 Refer to Responses to Comments BH-2 and BH-9. Note the City does not rely on the County's CAP, which was invalidated by the Court of Appeal as the commenter notes. Instead, the City was referring to the County's 2015 GHG Guidance, Recommended Approach to Addressing Climate Change in CEQA Documents, County of San Diego Planning and Development Services, dated January 21, 2015, which post-dates the litigation over the County's CAP referenced in the comment.

As discussed above, the Draft EIR demonstrates that the roject does not have a substantial impact on GHG/global warming pursuant to the BAU analysis performed under AB 32. The commenter proposes use of a different methodology – that no additional CO₂ emissions can be made without having a significant impact.⁸ The City disagrees with this proposed methodology; the AB 32 based analysis utilized for the project contemplates continued economic and population growth. (See CAPCOA, CEQA

⁸ The comment states, "The City is in fact contributing to the demise of the Earth's life forms, if it approves projects that emit additional CO₂. These true statements are substantial evidence that the effects of the Proposed Project are cumulatively considerable."

and Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act, January 2008 at p. 43.)

The reference to Threshold 1.1 originates from CAPCOA's white paper entitled CEQA and Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act, January 2008.

BH-11 Comment noted. For the reasons discussed above, the City disagrees with the threshold of significance proposed by the commenter, and the EIR, as clarified, does not rely on a single GHG reduction goal that is just five years away.

BH-12 This comment describes the history of atmospheric levels of CO₂, states that global temperatures will increase by more than 2 degrees Celsius as the CARB analysis assumes and that the results could be catastrophic for all life forms, and stating that atmospheric CO₂ needs to be brought to pre-industrial-revolution levels of 280 PPM to avoid significant environmental impacts. To achieve this, the commenter states that California must achieve much larger reductions per year than S-3-05 contemplates because the rest of the world is not doing its fair share to reduce GHG emissions.⁹ The commenter states the City needs to adopt mitigation measures to achieve the climate stabilization target of 280 PPM, which includes things such as regulating vehicle emissions and persuading SANDAG to take a variety of actions, such as computing driving reduction targets in a particular way, cause the State to adopt a emissions plan, regulating efficiencies for medium and heavy duty trucks, ask SANDAG and the State to electrify rail operations, ask SANDAG to reallocate Transnet funds to transit and bicycle improvements, to approve more transit oriented developments, to create financial disincentives to drive cars (such as requiring payment for all parking, even at places of employment), encouraging road usage charges to be implemented, requiring new buildings to be energy net zero and adopting a community choice energy district. However, even the commenter acknowledges that the City lacks the ability to implement these measures and that they are not practical for our society to implement them.

Despite these comments, the EIR's analysis is not inadequate. First, the City simply disagrees with the commenter's analysis that the state's GHG emissions targets are

⁹ The comment states, "Until the atmospheric CO₂ is brought down to the pre-industrial-revolution level of around 280 PPM, our situation will continue to worsen, because the additional trapped heat will continue to change our climate. We are still on a path of increasingly negative environmental impacts. This will continue for many decades. Our species will be lucky to survive...It is too late to think that the S-3-05 trajectory will be adequate. *California must set an example for the world since the world has not followed the S-3-05 trajectory, California will have to do what the world must do, which is to achieve much larger reductions per year, than if the world had followed the S-3-05 trajectory, from 2005 to now.*"

inadequate to provide for California's fair share reduction in GHG emission or that CEQA requires the City to account for environmental impacts caused by GHG emissions outside the state of California. Instead, the City properly relies on the air quality experts at CARB who stated in their First Update to the Scoping Plan that confirms the state's GHG targets "will ensure that we can achieve our long-term objective of *reducing California's greenhouse gas emissions to the scientifically recognized level for climate stabilization.*" Second, even if the City agreed with commenter's analysis that the City needed to achieve zero new GHG emissions, CEQA does not require a lead agency to analyze mitigation measures that are clearly infeasible. Here, commenter has admitted that his proposals represent what he believes is "realistic" from a mathematical standpoint for achieving his own global GHG emissions target, not what is practical for our society.¹⁰ CEQA defines "feasible" to mean "capable of being accomplished in a *successful manner within a reasonable period of time*, taking into account economic, environmental, legal, *social* and technological factors." CEQA Guidelines section 15364. The project does not have any significant impacts on GHG and thus no basis exists for requiring the imposition of mitigation measures. Even if there were a significant impact, by the commenter's own admission, his recommended measures do not account for what is socially feasible or capable of being achieved within a reasonable period of time. In sum, the City disagrees with the methodology and analysis set forth by the commenter.

- BH-13** The DEIR and the Greenhouse Gas Analysis (Appendix F to the DEIR) have been revised to further clarify and explain the project's potential impacts related to greenhouse gas emissions. The City disagrees with the commenter's suggestion to recirculate the document. The City has made revisions and clarifications to the Draft EIR. These revisions to the Draft EIR are presented in ~~strikeout~~-underline format. To the extent these changes and additions to the Draft EIR provide new information that may clarify or amplify information already found in the Draft EIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

¹⁰ The comment states, "On page 9 of Reference 1, a realistic climate-stabilization target is derived, with simple mathematics. Here, "realistic" does not refer to how practical it is for our society, because the physics of our planet's climate systems is unaffected by those considerations..."