

APPENDIX T
PUBLIC REVIEW COMMENTS AND RESPONSES

Final Environmental Impact Report

**Tierra Norte Planned Block Development
(GPA13-00001, ZA13-00001 & D17-00007)
(GPA13-00004, ZA13-00008, & D17-00006)**

Public Review Comments and Responses

The following letters of comment were received from individuals, agencies and organizations during the 45-day public review period (February 23, 2022 to April 8, 2022) of the DEIR. A copy of each comment letter along with the corresponding staff responses is included in the following pages.

Letter	Author	Page Number
A	California Department of Transportation (Caltrans)	RTC-2
B	North County Transit District (NCTD)	RTC-10
C	Rincon Band of Luiseño Indians	RTC-14
D	San Diego County Archaeological Society, Inc. (SDCAS)	RTC-18
E	Amanda Soils	RTC-20

Letter A – Caltrans

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

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



April 7, 2022

11-SD-76
PM 5.023
Tierra Norte Planned Block Development
DEIR/SCH#2018111034

Mr. Sergio Madera
City Planner
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Dear Mr. Madera:

A-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Document (DEIR) for the Tierra Norte Planned Block Development located near State Route 76(SR-76). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

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

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

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

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response A – Caltrans

A -1 This comment is informational only. No response is required.

Letter A – Caltrans

Mr. Sergio Madera, City Planner
April 7, 2022
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- A-1
Cont. { between various modes of travel, with the goal of improving the experience of those who use the transportation system.
Caltrans has the following comments:

Signal Operations

- A-2 {
 - There is adaptive equipment already planned for SR-76. The proposed adaptive system will have to work with the existing system at SR-76/College.

Complete Streets and Mobility Network

- A-3 { Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Oceanside is encouraged.
- To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.
- Bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

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

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response A – Caltrans

- A-2** Comment noted. The project applicant and City will coordinate with Caltrans, as required, as it relates to adaptive equipment.

- A-3** This comment is informational only. No response is required.

Letter A – Caltrans

Mr. Sergio Madera, City Planner
April 7, 2022
Page 3

A-3 [The City should continue to coordinate with Caltrans to implement necessary
Cont. [improvements at intersections and interchanges where the agencies have joint
jurisdiction.

Environmental

A-4 [Caltrans welcomes the opportunity to be a Responsible Agency under the California
Environmental Quality Act (CEQA), as we have some discretionary authority of a
portion of the project that is in Caltrans' R/W through the form of an encroachment
permit process. We look forward to the coordination of our efforts to ensure that
Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would
appreciate meeting with you to discuss the elements of the EIR that Caltrans will use
for our subsequent environmental compliance.

A-5 [An encroachment permit will be required for any work within the Caltrans' R/W prior to
construction. As part of the encroachment permit process, the applicant must provide
approved final environmental documents for this project, corresponding technical
studies, and necessary regulatory and resource agency permits. Specifically, CEQA
determination or exemption. The supporting documents must address all
environmental impacts within the Caltrans' R/W and address any impacts from
avoidance and/or mitigation measures.

A-5 [We recommend that this project specifically identifies and assesses potential impacts
caused by the project or impacts from mitigation efforts that occur within Caltrans'
R/W that includes impacts to the natural environment, infrastructure including but not
limited to highways, roadways, structures, intelligent transportation systems elements,
on-ramps and off-ramps, and appurtenant features including but not limited to
lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in
any additional mitigation measures identified for the project's draft Environmental
Document.

Broadband

A-6 [Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic
on our roadways and surrounding communities. This reduces the amount of VMT and
decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The
availability of affordable and reliable, high speed broadband is a key component in
supporting travel demand management and reaching the state's transportation and
climate action goals.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response A – Caltrans

A-4 The Project site is bound to the north by North River Road and to the south by Calle Joven and is located generally between Avenida Descanso and Calle Montecito. The Project site is not located within the Caltrans right-of-way (ROW) and would not require an encroachment permit from Caltrans for onsite development.

No encroachments into the Caltrans ROW are anticipated at this time. Should any improvements encroach into the Caltrans ROW, Caltrans would be consulted. When final site plans are submitted, all encroachment requirements would be determined with Caltrans.

A-5 The Project site is not located within the Caltrans ROW and therefore would not require an encroachment permit from Caltrans. Should any improvements encroach into the Caltrans ROW, Caltrans would be consulted. When final site plans are submitted, all encroachment requirements would be determined with Caltrans.

A-6 This comment is informational only. No response is required.

Letter A – Caltrans

Mr. Sergio Madera, City Planner
April 7, 2022
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Right-of-Way

- A-7 { • Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- A-8 { • Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

A-9 { Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing D11.Permits@dot.ca.gov or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

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

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development Review

Response A – Caltrans

- A-7** Comment noted. If any monuments are destroyed during construction of the Project, they will be required to be replaced in kind and a Record of Survey will be filed by a licensed land surveyor.
- A-8** The proposed Project is not located within the Caltrans ROW and therefore would not require an encroachment permit.
- A-9** This comment is informational only. No response is required.

Letter B – NCTD



810 Mission Avenue
Oceanside, CA 92054
(760) 966-6500
(760) 967-2001 (fax)
GoNCTD.com

March 23, 2022

Mr. Sergio Madera
City Planner
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054
Sent Via E-mail: smadera@oceansideca.org

Re: Tierra Norte Project

Dear Mr. Madera:

B-1 { Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Tierra Norte Project on Assessor's Parcel Number (APN) 157-060-40 and 157-060-17.

B-2 { Upon review of the notice received by North County Transit District (NCTD), NCTD has determined that while there are no bus stops directly on the parcels, the construction, particularly the development of the traffic signal, may take place in the right-of-way of NCTD BREEZE Route 303. Accordingly, NCTD requests that your contractor notifies NCTD at least two (2) weeks prior to starting work via e-mail: detours@nctd.org so that we may send a Supervisor to meet with your construction crew to determine if your traffic control methods affect our stops.

B-3 { The City of Oceanside's Climate Action Plan (CAP, 2019) outlines measures to "Expand Complete Streets Programs" (3-30) and focus on "Smart Growth Policies" (3-24) that promote walkable areas that have easy transit access. Potential improvements in transit access at this site would include a pedestrian egress to access the adjacent bus stops and crosswalks at the traffic signal. This will support the connectivity of the pedestrian network to the transit system. Enhanced transit access will help fulfill both City and Statewide climate action goals.

Response B – NCTD

- B-1** This comment is informational only. No response is required.
- B-2** Comment noted. The construction contractor shall notify NCTD two weeks prior to work in the ROW of the NCTD BREEZE Route 303.
- B-3** Comment noted. The Project would construct a sidewalk along the Project frontage adjacent to North River Road. Internal streets with sidewalks would be designed to promote pedestrian activity within the development. Enhanced pedestrian circulation would provide access and connections to internal walkways, paseos, and open space systems. The Project would provide additional pedestrian improvements such as connection from the Project Site to the north side of the San Luis Rey River trail.

Letter B – NCTD

Re: Tierra Norte Project
March 23, 2022
Page 2 of 2

B-4

Thank you again for allowing NCTD to review and comment on this project. Should you have any questions related to this review, feel free to contact me at (760) 966-6683 or via e-mail at kpersons@nctd.org.

Sincerely,



Katie Persons
Director of Service Planning

cc: Damon Blythe, Chief Operations Officer – Bus, NCTD
James Jones, Quality Control Supervisor – Bus Operations, NCTD
Ioni Tcholakova, Transit Planner, NCTD

Response B – NCTD

B-4 This comment is informational only. No response is required.

Letter C – Rincon Band of Luiseño Indians

Rincon Band of Luiseño Indians
CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1092 | Fax: (760) 749-8901 | rincon-nsn.gov



March 24, 2022

Sent via email: smadera@oceansideca.org

City of Oceanside
Planning Division/Development Services Dept.
Sergio Madera
300 North Coast Highway
Oceanside, CA 92054

Re: North River Road Planned Block Development (Tierra Norte Project); GPA13-00001 & GPA13-00004), ZA13-00001 & ZA13-00008) and D17-00007 and D17-00006); SCH NO. 2018111034

Dear Mr. Madera,

- C-1 { This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Tribe”), a federally recognized Indian Tribe and sovereign government. Thank you for providing us with the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the above referenced project. The identified location is within the Territory of the Luiseño people, and is also within Rincon’s specific area of Historic interest.
- C-2 { The Rincon Tribal Historic Preservation Office (THPO) has reviewed the DEIR and internal files and would like to point out that the City’s obligations under AB52, to engage in consultation with the affiliated tribes requesting consultation, have not been fulfilled at this time. We believe the circulation of the DEIR is premature and request the City to engage in consultation with the Rincon Band.
- C-3 { The THPO requested consultation on December 26, 2018, which has been accurately acknowledged in the DEIR. Despite our request, the City of Oceanside did not engage in consultation with the Rincon Band. It is therefore misleading that as per DEIR the “City continues coordination and communication with the tribes...” (DEIR, 4.19-2), as consultation with the Tribe has not taken place at this time.
- C-4 { The THPO would like to remind the City of the guiding regulations regarding consultation with tribes and that “the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project. Pub. Res. Code § 21080.3.1.”¹

¹ https://opr.ca.gov/ceqa/docs/20200224-AB_52_Technical_Advisory_Feb_2020.pdf

Bo Mazzetti
Chairman

Tishmall Turner
Vice Chair

Laurie E. Gonzalez
Council Member

John Constantino
Council Member

Joseph Linton
Council Member

Response C - Rincon Band of Luiseño Indians

- C-1** This comment is informational only. No response is required.
- C-2** The City has engaged in AB 52 consultation for the project. The City made available the opportunity to consult to the tribes included on the Tribal Consultation List obtained from the Native American Heritage Commission. The Rincon Band of Luiseño Indians and the San Luis Rey Band of Mission Indians requested to consult on the project. The City consulted with both Tribes.
- C-3** Please see response C-2. The City consulted with the Rincon Band and consultation concluded on July 1, 2022.
- C-4** Please see response C-2. The City consulted with the Rincon Band and consultation concluded on July 1, 2022.

Letter C – Rincon Band of Luiseño Indians

C-5 { The Rincon Band is reiterating our request for consultation with the City on this project. Included in our original request for consultation was a request to be provided further project documents. Again, we are repeating our request to be provided the requested documents and ask for a meeting as soon as possible.

C-6 { We are looking forward to hearing from you to engage in consultation with the Rincon Band. If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749 1092 or via electronic mail at cmadrigal@rincon-nsn.gov.

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

Sincerely,



Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager

Response C - Rincon Band of Luiseño Indians

- C-5** Please see response C-2. The City consulted with the Rincon Band and consultation concluded on July 1, 2022.
- C-6** This comment is informational only. No response is required

Letter D – SDCAS



San Diego County Archaeological Society, Inc.

Environmental Review Committee

30 March 2022

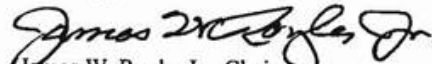
To: Mr. Sergio Madera, City Planner
Planning Division
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Subject: Draft Environmental Impact Report
Tierra Norte Project
GPA13-00001, GPA13-00004, ZA13-00001, ZA13-00008, D17-00007,
And D17-00008

Dear Mr. Madera:

- D-1 [I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.
- D-2 [Based on the information contained in the DEIR and its Appendix I, we agree with the impact analysis for cultural resources. We note that the mitigation measures included in the DEIR reflect contemporary practice in the Oceanside area and, as such, they are appropriate.
- D-3 [Thank you for including SDCAS in the City's environmental review process for this project.

Sincerely,


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

cc: Heritage Resources
SDCAS President
File

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

Response D – SDCAS

- D-1** Comment noted.
- D-2** This comment states the SDCAS concurs with the cultural resources impact analysis and required mitigation measures identified in the DEIR. No further response is required.
- D-3** This comment is informational only.

Letter E – Amanda Soils

Hello Mr. Madera, Mayor Sanchez, and Councilmembers,

E-1 { My name is Amanda Solis and I am an Oceanside resident in the San Luis Rey / North Valley area. I am writing to you to express my concerns about the proposed Tierra Norte Project: a rezoning project that would turn ~25 acres of Light Industrial (LI) farmland on North River Road into a 400-unit, medium density residential - C (MDC-R) site. While I would prefer the Tierra Norte farm to exist as-is, I understand that this is unlikely and that the City has housing demands that it must meet. Yet, for the reasons described below, the proposed density for this project is too high, and so I request revisions to the proposal to address the following concerns:

E-2 { 1. Since the current farm produces little to no traffic, the introduction of such a high density residential development will cause environmental and health issues for both the project residents and their neighbors. This is evidenced by the fact that the project does not satisfy the California Environmental Quality Act (CEQA), since the primary mitigation measure that is used in the project's [Vehicle Miles Traveled \(VMT\) Analysis](#) is invalid.

E-3 { 2. While this project in isolation does not introduce significant traffic delays, the cumulative impacts of approving so many new residential projects (both with and without the proposed Horizon Year 2035 infrastructure changes) is crippling, as evidenced by the project's [Local Transportation Study \(LTS\) Analysis](#). Furthermore, these impacts are underestimated since the analysis does not account for all new residential projects approved by the city.

E-4 { 3. Since North River Road is not along one of the City's transit-friendly areas, this project does not align with our City's [Smart Sustainable Corridors Plan](#) which aims to "channel future housing" along key transit corridors.

E-5 { 4. The high density housing being proposed does not blend in with the surrounding neighborhood (which is primarily made up of much lower density residential housing).

E-6 { 5. The financial gains suggested in the [Fiscal Impact Analysis](#) by Xpera Group might be exaggerated, considering our own [Economic Development Element \(EDE\)](#) shows that "rental apartments have a net negative fiscal impact" on the City.

E-7 { Below this message I have elaborated on and provided additional evidence for each of these concerns. I also have several questions about the project:

E-8 { 1. What community outreach has been done?

E-9 { 2. What is the actual projected dwelling units per acre (du/ac) for this project? The LTS & VMT Analyses report 15.6 du/ac which is inconsistent with the 16.8 du/ac that is reported in the [Development Strategy Study](#) prepared by the Xpera Group. Since parcel A only has 7.9 acres of *livable* land, Xpera calculates the du/ac as 16.8 (23.9 total acres / 400 units = 16.8 du/ac). The VMT & LTS analyses may be underestimating the pollution and traffic impacts if they are using a lower density du/ac.

E-10 { I look forward to your responses and to participating in the evolution of this project so that it will benefit our City!

Response E – Amanda Soils

E-1 This comment correctly identifies the proposed Project. This comment identifies concerns with the proposed density. Please refer to responses E-2 through E-31 below.

E-2 As provide in the DEIR Section 4.18 Transportation, the Project is calculated to generate approximately 3,200 ADT and is required to prepare a Vehicle Miles Traveled (VMT) analysis. As stated in the VMT analysis (Appendix Q), the Project is located in an area having a VMT per capita of 92.7%, which exceeds the VMT threshold by 7.8% and would result in a potentially significant impact to transportation in accordance with CEQA Guidelines Section 15064.3. Page 4.18-15 of the DEIR explains how the CAPCOA reduction measure LUT-1 (MM-TRANSP0-1) and SDT-1 (MM-TRANSP0-2) reduces the Project’s VMT to 83.4% which is below the VMT threshold of 85%. As a result, impacts to transportation would be less than significant after mitigation incorporated.

Additionally, a health risk assessment was prepared as part of the air quality analysis (Section 4.4. of the DEIR). Figure 4.4-1 of the DEIR presents the nearby sensitive receptors that were analyzed. No construction-related cancer and non-cancer risk were identified for the project (page 4.4-21 of the DEIR). Similarly, an analysis of operational health risks were determined to be less than significant (page 4.4-23 of the DEIR). Potential impacts related to disturbance of lead-based paint (LBP) and asbestos containing materials (ACMs) would be mitigated to a level below significance with implementation of mitigation measures MM-HAZ-1 through MM-HAZ-3, which require pre-demolition surveys and compliance with the Phase II Environmental Site Assessment.

E-3 The project appropriately analyzed potential cumulative impacts in the DEIR. The cumulative project list provided in the Local Transportation Study (LTS) (Appendix P) is current and was approved by City Staff at the time of the Notice of Preparation (NOP). Please refer to the cumulative analysis within the LTS (Appendix P).

E-4 Page 4.18-12 describes the nearest transit routes and bus stops to the Project site which are within 0.5 mile from the Project Site. The closest bus stops to the Project Site are Route 303 located on North river Road by Avenida Descanso and on North River Road by Calle Montecito. The San Luis Rey Bus Transit Center (SLRBTC) is located within one mile of the Project Site at the intersection of North River Road and Vandegrift Boulevard. The SLRBTC is served by Breeze routes 309, 311, 313, and 315. The Project does not conflict with the City’s General Plan Circulation Element or other program or plan addressing transit.

According to the Circulation Element, Table 5-1 identifies Bus Route 303 as serving a major corridor along North River Road. Figure 5.2 of the Circulation Element displays future transit corridors within the City and identifies North River Road along the project frontage as a 15 minute peak headway.

The Smart and Sustainable Corridors Plan (SSCP) seeks to channel future housing and employment growth into the City’s commercial corridors while maintaining the integrity of adjacent residential neighborhoods. The current grant program is for sustainable growth planning along Mission Avenue, Oceanside Boulevard, and Vista Way. The plan will also focus on bicycle, pedestrian and transit-friendly infrastructure; preserving open space and reducing sprawl.

Response E – Amanda Soils

Response E Continued – Amanda Soils

E-4 Cont. The proposed Project would provide residences with increased pedestrian and transit-friendly opportunities and would reduce sprawl, as the Project Site is located in a developed area. Additionally, an existing Class 2 bicycle lane is located along North River Road along the Project frontage. Although the Project is not along the initial planning grant corridor for implementing the SSCP, the Project would not conflict with the goals of the SSCP to enhance access to local and regional transit networks.

The SSCP also promotes goals and policies that focus commercial and industrial development along the three corridors. As such, industrial intensification of the Project Site would be incompatible with the adjacent residential communities along North River Road. Operational activities and increased traffic associated with industrial development of the Project Site would spur additional undesirable impacts on the adjacent residential communities.

E-5 Page 2.0-4 of the EIR includes a detailed description of the surrounding uses of the Project Site. The north side of North River Road consists of multi-family condominiums and apartments, mobile home communities, and single-family development. Areas to the east are primarily for light industrial uses. Areas to the west of the Project Site are single-family residences. Areas south of North River Road are designated for light industrial uses.

An analysis of several multi-family developments located along this area of the North River Road corridor and developed under the RM-C zoning designation shows that development densities for these projects range from approximately 15 du/acre to 21 du/acre. This is consistent with the applicable MDC-R land use and RM-C zoning designations.

The proposed medium density use would be compatible with the medium to higher density residential uses detailed above, such as multi-family condominiums and apartments. Additionally, the proposed medium density use will provide an effective transition between the existing light industrial uses located to the east and the residential uses to the west and north.

The proposed PBD Overlay District would allow for future development of residential communities that may be achieved through a variety of site and building designs and would be identified as part of future development plans. Medium density residential building types that are permitted in the PBD Overlay District include small lot attached single-family homes, detached condominiums townhomes, courtyard clusters, duplex homes and garden apartments.

E-6 Refer to response E-28 below.

E-7 Comment noted. Refer to the responses E-8 through E-24 below.

E-8 A Community Outreach Summary Report has been prepared in accordance with Council Policy 300-14 and provides a summary of the notification and outreach done through the entitlement process.

Expanded Mailing List

Notification of the project applications was expanded in April 2017 to include an updated radius area and address list, including the following:

Response E Continued – Amanda Soils

- All property owners within a 1,500-foot radius of the project site.
- Occupants/tenants within a 100-foot radius of the project site.
- Additional residents and property owners beyond the 1,500-foot radius to include logical neighborhood boundaries – including expanded notice to include the entire single-family subdivision located directly west of the project area (see Notification Area Map on file with the City).

Any requests to be notified of the project were added to this mailing list and an updated list for City staff use would have been sent to them.

Scoping Meeting

As part of the CEQA process, a NOP was sent to the entire mailing list, and a scoping meeting required for the CEQA process was held on December 4, 2018 at the QLN Conference Center at 1938 Avenida Del Oro in Oceanside, CA. This meeting included an overview of the proposed project, potential environmental analysis topics and issues planned to be addressed as part of the project EIR. Approximately 14 people attended based on the sign in sheet. Comments received during the scoping period were included with the DEIR (Appendix A of the FEIR). Comments received during the EIR public comment period will also be included with the FEIR to be prepared for the project (Appendix T of the FEIR).

Community Outreach Meeting

On December 16, 2021, a project update meeting was held at the City of Oceanside Mission Library branch. Approximately 23 people attended based on the sign in sheet. The purpose of this meeting was to give owners and residents on the project mailing list an update on the City's project review and the EIR process. Comments were noted and attendees were notified that the Draft EIR would be available in Spring 2022, and that they would have an opportunity to send comments on the draft for inclusion into the FEIR.

On-site Signage

Project notification signs were posted on the site following filing of the original applications and have remained through the entitlement process. A "Certificate of Posting" is on file with the City. Notification signs have been updated and replaced/repared as necessary throughout the entitlement process.

The City incorporated updated information and documents related to the project and are also available for public review online through the City of Oceanside "E-TRAKIT" system. The DEIR is also remains available for public review as posted on the City's website.

E-9

The LTS and VMT analyses utilize the maximum allowance of 400 dwelling units on 25.6 acres which results in an average of 15.6 du/acre. The LTS and VMT analyses use the SANDAG trip generation rate for residential densities (between 6-20 du/acre) with the maximum allowable 400 residential units which generates the worst case trip generation scenario for any of the future land use types within the PBDP.

The Planned Block Development Plan (PBDP) and Development Strategy Study (DSS) both refer to an overall project density of 16.8 du/ ac which is a net resulting density based on the exclusion of certain access rights-of-way from the calculated land area on Parcel A. The PBDP institutes a

Response E Continued – Amanda Soils

E-9 Cont. dwelling unit ‘cap’ with a maximum allowance of only 400 dwelling units for the entire Overlay District as referenced by the DSS. The established 400 dwelling unit cap is consistently referenced in the VMT, LTS, PBDDP and DSS documents and as applied to related analyses.

E-10 This comment is informational only.

Letter E – Amanda Soils

Thank you,

Amanda Solis
Oceanside Resident

Supporting Evidence

E-11 { 1. The primary air pollution mitigation measure that is proposed in the Vehicle Miles Traveled (VMT) Traffic Impact Analysis is invalid.

According to [this analysis](#), the project is expected to have a significant transportation impact:

E-12 { *“the project location for residential VMT per Capita by Census Tract is at 92.7% of the regional mean; therefore, the project exceeds the 85% significance threshold and is considered to have a significant transportation VMT impact. The project exceeds the VMT threshold by 7.8%.”*

E-13 { In order to reduce the VMT below the 85% significance threshold and to be “CEQA-qualified” (see section “4.1.5 The California Environmental Quality Act (CEQA)” of our City’s [Energy Climate Action Element](#)), one of the air pollution control measures that is proposed is LUT-1: Increase Residential Density. The rationale behind this mitigation measure is that increased density actually reduces VMT- while this may be true in metropolitan areas or in areas with more mixed-use development, it does not hold for the current project.

E-14 { If we look at the formula and discussion around using this measure (see the appendix of the VMT Analysis, pages 41-44), one of the major assumptions of the equation is that “VMT reductions for this strategy are based on changes in density versus *the typical suburban residential and employment densities in North America (referred to as “ITE densities”)*”. In the equation, the assumed ITE density is 7.6 housing units per acre. If there were in fact 7.6 houses per acre on the existing 25.6 acres of farmland, the 7.4% VMT reduction proposed by this mitigation measure could be argued as true. However, this is currently only the site of one single family-structure and a small agricultural operation, so the actual density of the current site is significantly lower than the assumed 7.6 du/ac ITE density used in the mitigation calculation. The CAPCOA guidelines strongly urge against using their measures under false assumptions due to the large errors that can follow:

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- E-11** Please refer to response to E-2 and E-12 through E-15 below.
- E-12** This comment is acknowledged. The Project would be required to implement mitigation measures MM-TRANSP0-1 through MM-TRANSP0-2 which would reduce impacts to Transportation to a level below significance.
- E-13** CAPCOA reduction measure LUT-1 (MM-TRANSP0-1) specifically identifies applicability to urban and suburban settings to which the Project is in a suburban setting, making the application of this reduction measure appropriate and accurate.
- E-14** CAPCOA reduction measure LUT-1 (MM-TRANSP0-1) uses a default input of 7.6 du/ac for the surrounding density, while the input for the Project is the proposed density of 15.6 du/ac and not the existing use. The densities of the surrounding area are as follows:
- Medium density residences north of the Project Site including condominiums, apartments, and mobile home communities have a density range of 6.10 du/ac to 21.7 du/ac.
 - Medium density residences to the west of the Project Site have densities ranging from 14.59 du/ac to 18.31 du/ac.

The proposed density of the Project fits within the density ranges of the surrounding medium density developments.

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- E-15 { *“there may be situations where you choose to apply a method even if the assumptions do not match the specific conditions of the project; while CAPCOA does not recommend this, if you do it, it is imperative that any deviations are clearly identified. While you may still be able to calculate a reduction for your measure, in many cases the error in your result will be so large that any conclusions you would draw from the analysis could be completely wrong.”*
-CAPCOA Greenhouse Gas Mitigation Measures, pg. 8
- E-16 { The amount of pollution that this project would introduce to a region that is already exceeding significance thresholds is concerning for the health and wellbeing of new and existing residents. The proposal must be revised to reduce the project density and to improve public transportation in order to mitigate the already impacted area.
- E-17 { 2. The cumulative transportation delays introduced by this project and by other major development communities are unsustainable, even with planned infrastructure changes.
- E-18 { The Local Transportation Study (LTS) shows that while this project in isolation does not introduce significant traffic issues, the cumulative impacts of approving so many new residential projects is crippling, both with and without the proposed Horizon Year 2035 infrastructure changes.
- E-19 { Furthermore, the 9 cumulative projects that are described in section 3.8 Cumulative Projects and included in the analysis are only a subset of the residential projects that Oceanside City Council has recently approved. There are several other sites that have been approved (for example, Oceanpointe - 158 units; Ocean Kamp - 700 units, and Mission Flats - 137 units, are all new projects along Route 76 that were not included in the cumulative analysis) that would further compound the traffic congestion. So, the current report is a conservative estimate of the impending traffic issues that Oceanside residents will face and that we will continue to face even with the upcoming infrastructure improvement projects.
- E-20 { 3. This project does not align with our City's Smart Sustainable Corridors Plan, which aims to “channel future housing” along key transit corridors.
- E-21 { North River Road is not along one of the City's transit-friendly areas (shown in red in the map below), so this project violates the Plan by increasing vehicle use, which in turn increases greenhouse gas emissions. The increased vehicle use is further underscored by the North River Road area already having an alarming VMT % (exceeding the significance threshold for the region), per the project's VMT Analysis.

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- E-15** CAPCOA reduction measure LUT-1 (MM-TRANSP0-1) is applicable to projects increasing density, and specifically for this Project because the proposed Project has a higher density than the surrounding areas and existing density, which is the intent of reduction measure LUT-1.
- E-16** Refer to Section 4.4 of the DEIR for the Project’s Air Quality analysis. The project would not exceed San Diego Air Pollution Control District (APCD) threshold for any pollutant during construction or operation of the proposed Project. The Project would not result in any cumulative impacts to air quality.
- Potential impacts related to disturbance of lead-based paint (LBP) and asbestos containing materials (ACMs) would be mitigated to a level below significance with implementation of mitigation measures MM-HAZ-1 through MM-HAZ-3, which require pre-demolition surveys and compliance with the Phase II Environmental Site Assessment.
- Refer to response E-4 regarding public transit. The project would not result in impacts to transit facilities or conflict with policies or programs for public transit.
- E-17** Cumulative projects have been adequately addressed in the LTS (Appendix P) prepared for the Project. Refer to Appendix P for the LTS and cumulative analysis.
- E-18** The LTS has been reviewed and approved by City staff and analyzes cumulative and horizon year scenarios. Refer to Appendix P for the LTS and cumulative analysis.
- E-19** City staff have reviewed and approved the cumulative list of projects which were applied at the time of the NOP which is a standard City procedure.
- E-20** Refer to response E-4 above.
- E-21** Refer to response E-4 above.

Additionally, the map provided in this comment refers to the three areas along Mission Avenue, Oceanside Boulevard, and Vista Way which are the three initial grant planning areas for implementation of the SSCP. According to the Circulation Element, Table 5-1 identifies Bus Route 303 as serving a major corridor along North River Road. Figure 5.2 of the Circulation Element displays future transit corridors within the City and identifies North River Road along the project frontage as a 15 minute peak headway. As identified in the DEIR page 4.18-12, the Project would not conflict with the City’s General Plan Circulation Element or any other plan or program addressing the circulation system including transit facilities.

As analyzed in section 4.9 of the DEIR, the Project would not generate GHG emissions which exceed City thresholds and would not result in a significant impact related to GHG emissions.

The VMT Analysis (Appendix Q) was reviewed and approved by City Staff. Refer to response E-2 above which provides a description of related VMT thresholds and project reduction methods.

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Smart and Sustainable Corridors Plan Area

E-22 { Finally, our City's own [Economic Development Element \(EDE\)](#) confirms that all housing needs can be met within the City's commercial corridors. Unlike North River Road, these commercial corridors are areas which are "consistent with the smart growth policies in both the EDE and the Energy and Climate Action Element (ECAE)" (see EDE, section "6.1.3 Land Use Distribution"), so it would be prudent to focus redevelopment and infill efforts in these commercial corridors, rather than at locations like this project site which cannot support such high density housing.

E-23 { 4. The high density project does not blend in with the surrounding low density neighborhoods.

E-24 { The [Tierra Norte Planned Block Development Plan \(PBD\)](#) claims to present a "community which is compatible with the surrounding neighborhood", however, the MDC-R zoning that is proposed is inconsistent with the surrounding neighborhood, as evidenced in the PBD overlay:

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- E-22** As provided in Section 2.1.4.3 of the Economic Development Element (EDE) of the General Plan, the City’s current inventory of vacant developable industrial land amounts to approximately 40 acres and are primarily within three corridors. In the Mission Ave/Highway 76 corridor, on the south side of North River road there are 105 acres of land designated for light industrial which includes two properties that have historically been utilized for agricultural activities, i.e., the Project Site. The City had identified these industrially-zoned properties that appear to have the greatest potential for redevelopment based on their relatively low assessed land value.

The City’s housing needs can largely be met through infill and redevelopment and this approach is consistent with the smart growth policies in the EDE and Energy and Climate Action Element (ECAE). These policies call for efficient and integrated land use, expansion of transit and active transportation infrastructure, public spaces that invite socialite interaction and active lifestyles, and the preservation of outlying open space areas.

The Project conforms to the objectives of these policies as it would be compatible with the medium to higher density residential uses in the surrounding areas, such as multi-family condominiums and apartments. The proposed medium density use will provide an effective transition between the existing light industrial uses located to the east and the residential uses to the west and north. The Project Site is located along a high-frequency bus transit corridor and is located within one mile of the SLRBTC. The Project would provide additional pedestrian improvements such as connection from the Project Site to the north side of the San Luis Rey River trail and connect to the existing sidewalk system along North River Road.

As such, the Project Site has been identified in the EDE as an underutilized industrial zoned property with potential for infill redevelopment and would not conflict with policies in the EDE.

- E-23** Refer to response E-5 above and E-24 below.
- E-24** Refer to response E-5 above and Page 2.0-4 of the DEIR which includes a detailed description of the surrounding uses of the Project Site. The proposed medium density use would be compatible with a number of higher density residential uses detailed in the surrounding uses descriptions such as multi-family condominiums and apartments. In addition, the proposed medium density use would provide an effective transition between the existing light industrial uses located to the east and the residential uses to the west and north.

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


Figure 2.1 "PBD Overlay District Area Existing and Proposed Land Use Designations"

E-25

Converting this site to MDC-R zoning is not a subtle change to this community, since the majority of the surrounding areas consist of much lower density housing (see the lighter oranges & yellows in the figure for the lower density EB-R, SFD-R, & MDA-R residential zoning, much of which is hidden by the Legend in the bottom right). Not only does the neon orange MDC-R zoning stand out on the PBD overlay map, but the high density apartments that the project proposes (which would be approved up to 3-stories) would tower over the adjacent 1-story homes and the San Luis Rey River trail.

E-26

There is even historical evidence for why MDC-R is not the right zoning for this site: the two existing MDC-R areas on the PBD overlay ( Riverview Springs Apartments &  North River Club Apartments) have had negative impacts on the area- namely, increases in crime. And it is not only residents within these communities that have been impacted (there are negative Google reviews from apartment residents describing the vandalism within their community), but the crime has also seeped into surrounding neighborhoods. There has been increased vandalism and theft to cars, homes, and mailboxes in the adjacent, lower density residential communities that did not occur prior to the development of these MDC-R apartments. In addition to increased crime, surrounding neighborhoods have seen increased traffic and parking overflow from apartment residents since the public transportation and parking is insufficient to support such a high density. Surely, if these communities were lower density these issues of crime and congestion would be less prevalent.

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- E-25** Refer to response E-5 above and Page 2.0-4 of the DEIR which includes a detailed description of the surrounding uses of the Project Site. Also refer to Figure 3.4-1 and 3.4-2 in the DEIR and Figure 2.1 for the existing and proposed land use and zoning designations surrounding the Project Site. As shown in these figures, medium density land uses exist directly north, northeast and northwest of the Project Site. Single-family and estate residential single-family residences exist to the west and further northwest of the Project Site.

The maximum allowable building height for the proposed PBDP would be 35 feet and three stories maximum. However, the PBDP allows for a variety of medium density residential building types with varying heights such as small lot attached single-family homes, detached condominiums townhomes, courtyard clusters, duplex homes and garden apartments. Building types such as attached single-family and duplex homes range from one to two stories while condominiums and courtyard cluster homes, rowhomes, and garden court townhomes range from two to three stories in height.

- E-26** The commenter's concerns regarding increase of crime within the surrounding neighborhood is noted. Although this issue area is not required to be addressed under CEQA, the development of the Project Site would help to combat crime in the areas surrounding the Project Site. As discussed in Section 4.16 Public Services, the Project would not result in a significant increase demand for police services. Future onsite security measures would be determined based on the residential building type at the time of Project development in further increase safety and could include measures such as gated entries, security cameras, security monitors, lit parking lots, and specific security protocols for club house and leasing office. The Project would contribute to all required impact fees in accordance with the city current requirements, a portion of which would go towards funding police protection services.

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E-27 { 5. The Fiscal Impact Analysis for this project is misleading, as other reports show that apartments have a net negative fiscal impact on our City compared to all other land uses (i.e. industrial, residential, commercial all have net positive fiscal impacts on the City).

E-28 { While the [Fiscal Impact Analysis](#) provided by Xpera shows that converting this site to residential land use provides more tax revenue to the City than it would if kept as industrial, it does not take into account the cost of public services required to support residents in rental apartments. Our [EDE](#) concludes that "only rental apartments have a net negative fiscal impact on the City" whereas all other land uses produce a surplus of tax revenue compared to the public services they use (see EDE, section "5.1.3 Assessment of the City's Current Economic Development Policies"). In order to be both financially viable and to meet housing demands, rather than rezoning this site for rental apartments the City should consider lower density housing (Estate B Residential (EB-R) or Single Family Detached Residential (SFD-R)) which balances both needs.

Conclusion

E-29 { In order to promote smart growth and align with our City's economic development ([EDE](#)) and climate action plans ([ECAE](#)); and in order to maintain high standards for the health and wellbeing of new and existing residents along North River Road, the Tierra Norte Project should be re-envisioned as a lower density housing project. Specifically, the proposal should consider zoning the area to be Estate B Residential (EB-R) or Single Family Detached Residential (SFD-R), both of which cap the housing density to a more manageable limit consistent with the surrounding areas.

E-30 { This change would be a major improvement to the current proposal, which proposes high density apartment complexes (MDC-R zoning) in a part of the city that is not transit-friendly and that is already experiencing significant pollution. By revising the proposal to lower density zoning, the site would have a net positive financial impact on the City, while still being able to satisfy some of the demand for housing (as opposed to the net negative financial impact of apartments, which consume more public resources than their tax revenue supports). In addition, the lower density zoning would diminish the pollution and traffic impacts that would come with the current high density proposal.

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E-27 Refer to response E-28 below.

E-28 The PBDP establishes criteria for future medium-density residential development on the property and allows for range of housing types to be provided as part of appropriately scaled medium density developments with a maximum development cap of 400 units. These residential building types may include small lot attached single-family homes, condominiums, townhomes, courtyard clusters, duplex homes and garden apartments, along with various other product configurations.

The Fiscal Impact Analysis (FIA) outlines a proposed development scenario for the plan area that includes a build-out mixture of garden court townhomes (84 units), cluster condominiums (216 units) and garden apartments (100 units); which would implement a mix of for-sale and rental units.

The FIA provides a detailed analysis of this residential development scenario and compares it to build out of the site under the current industrial designation. A significant component of the FIA analysis compares the revenue generation to municipal expenditures over an initial 10-year period for the residential and industrial development scenarios. The FIA incorporates an established analysis based on “City Expenditures Per Person” as coordinated through City staff and utilized with other residential development proposals in Oceanside.

The City’s expenditures per person are based on the fiscal 2020-2021 Budget. The development of the residential and industrial projects has a direct effect on seven categories of expenditure, among them public safety, public works and community development. For each of those categories the FIA analyzed the line items in the budget and determined what percent of each of the seven categories would relate to the residential and industrial projects proposed for Tierra Norte based on specific employment and population projections. The FIA provides further detailed analysis of the effects and impacts of the proposed development based on projected revenues and city expenditures.

The FIA concludes that over the ten-year study period the residential development would have a positive economic impact of \$12.5 million, while the industrial development would have a negative impact of \$0.7 million.

E-29 The project would be consistent with the City’s ECAE of the General Plan. Refer to Table 4.7-2 and Table 4.7-3, Section 4.7 Energy. Additionally, the Project would generate fewer GHG emissions than the City’s Climate Action Plan (CAP) thresholds and would result in less than significant impacts to GHG. Refer to pages 4.9-13 through 4.9-16.

The proposed PBDP represents an excellent opportunity for medium density residential infill development as it is surrounded by properties with a mixture of land use and zoning designations. Although the property is designated and developed as a light industrial site, it is underutilized and unlikely to be upgraded or developed as a new viable industrial site. Light industrial development or redevelopment that could occur on neighboring properties appears unlikely to happen in accord with long-standing General Plan land use policies that call for appropriately sized, well-designed, and coordinated industrial park-type development in such areas. Refer to Policy 2.12(a) and 2.12(c).

The City’s current General Plan Update (GPU) includes a significant update to the Land Use Element intended to guide development over the long-term horizon for Oceanside. A Market Analysis was prepared analyzing current real estate market conditions and land use trends in an effort to identify future

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E-27 Cont. land use opportunities and accommodate project growth within the city. As provided in the report, the Project Site is located within Area 2 which is recognized in the report for its strong potential to support future multi-family development.

E-30 Refer to response E-29 above regarding the justification for the proposed medium density PBDP and associated impacts to GHG.

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References

E-31

Project Documents

- [Vehicle Miles Traveled \(VMT\) Analysis](#)
- [Local Transportation Study \(LTS\)](#)
- [Development Strategy Study](#)
- [Fiscal Impact Analysis](#)
- [Tierra Norte Planned Block Development Plan \(PBD\)](#)

Other

- [Oceanside Economic Development Element \(EDE\)](#)
- [Oceanside Energy Climate Action Element \(ECAE\)](#)
- [Oceanside Smart Sustainable Corridors Plan](#)
- [California CAPCOA Greenhouse Gas Mitigation Measures](#)

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E-31 This comment is informational only. No response is required.