

Appendix O
Responses to Comments

Ocean KAMP Final Supplemental Environmental Impact Report

Lead Agency:

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

Prepared for:

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July 2022

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Introduction

The following comment letters were received from agencies, organizations, and individuals during the public review of the Draft Supplemental Environmental Impact Report (Draft SEIR). A copy of each comment letter along with corresponding responses has been included. Letters and responses are provided in side-by-side format for ease of reader review.

Comment letters were received from the agencies, organizations and individuals shown on the matrix below. Several comment letters received during the Draft SEIR public review period contained requests for revisions that resulted in minor changes and text clarifications to the Draft SEIR text. These changes to the text are indicated by ~~strikeout~~ (deleted) and underline (inserted) markings in the Final SEIR. Some of the comments do not pertain to the adequacy of analysis in the Draft SEIR or to other aspects pertinent to the potential effects of the proposed project on the environment pursuant to CEQA. Regardless, a good faith effort has been made to respond to the comments submitted where they may touch on a relevant environmental topic.

Letter Identification	Commenting Party	Comment Numbers
A	Buena Vista Audubon Society	A-1 through A-3
B	California Department of Transportation, District 11	B-1 through B-9
C	California Department of Fish and Wildlife	C-1 through C-7
D	Citizens for the Preservation of Parks & Beaches	D-1 through D-4
E	Friends of Loma Alta Creek	E-1 through E-8
F	Preserve Calavera: Coastal North San Diego County	F-1 through F-19
G	San Diego Association of Governments	G-1
H	San Diego County Archaeological Society, Inc.	H-1
I	Southwest Regional Council of Carpenters	I-1 through I-17
J	San Diegans for Sustainable, Economic and Equitable Development (SD SEED)	J-1 through J-62
K	U.S. Fish and Wildlife Service	K-1 through K-6



October 8, 2021

Sent by email: smadera@oceansideca.org

Subject: Comments on Ocean Kamp SEIR
To: Sergio Madera, Principal Planner, City of Oceanside

A-1

Ocean Kamp is a proposed development in Oceanside that includes 700 multi-family housing units, a hotel, commercial/retail development, and a surf lagoon, located on a 92-acre property at Foussat Road and I-76 adjacent to the San Luis Rey River. The original EIR was certified for the Pavilion commercial development on this same site but was dropped. The current public comment period is for a Supplemental EIR (SEIR) for the new Ocean Kamp development that is now being proposed for this property.

A-1

This comment accurately describes the proposed project and environmental review process. This comment does not address the adequacy or accuracy of the analyses in the Draft SEIR and does not require a response.

A-2

VMT, Climate Change, and Transportation Impacts

The proposed project would have significant traffic impacts and would exceed the VMT and greenhouse gas (GHG) cap. Therefore, it would have significant impacts on the environment and contribute to climate change. A Reduced Project Alternative, with 600 housing units and a reduced number of hotel rooms, was prepared to reduce these impacts; but these changes would not reduce impacts below the level of significance. However, if the Council can make the case for overriding findings, we recommend that the Reduced Project Alternative be supported rather than the original Ocean Kamp proposal.

A-2

The proposed project would have significant VMT impacts, which are mitigated to less than significant with mitigation measure TRA-1. The project does not have significant impacts to greenhouse gases or the Climate Action Plan. As suggested by the commenter, Chapter 8.0 of the Draft SEIR does evaluate a Reduced Project Alternative, which we understand the commenter prefers. No further response is necessary.

A-3

Biological Impacts

The San Luis Rey River is an important wildlife corridor in North County, with sensitive riparian species including the Least Bell's Vireo and Southwest Willow Flycatcher. The project has biological impacts that result in a loss of 0.57 acres of wetlands, which will be mitigated at 3:1 in a San Luis Rey River Mitigation Bank, and the loss of 0.70 acres of coyote brush scrub and non-native grassland will be mitigated with a conservation easement on a 20-acre coastal sage scrub corridor on the property. Indirect impacts from lighting, noise, and stormwater drainage will also be mitigated in the proposal.

A-3

The commenter accurately summarizes the conclusions of the Draft SEIR. Potential impacts to the San Luis Rey River and adjacent river berm are addressed on page S-13 of the Pavilion Final EIR (FEIR), where impacts resulting from invasive species and human activity are identified as potentially significant indirect impacts. As indicated on page 5.1-8 of the Draft SEIR, no additional impacts to biological resources beyond those identified in the Pavilion Final EIR would occur with implementation of the proposed project. Potential impacts resulting from invasive species would be addressed through mitigation measure BIO 7, which requires that landscaping shall avoid the use of invasive non-native plants. Additionally, the proposed project would be designed in a manner which would lessen impacts from human activity. Per mitigation measure BIO 6, the conservation easement over the onsite 100 foot corridor will be provided for review and approval by the Wildlife Agencies as a condition of project approval. This buffer will further help to reduce potential edge effects of human activities associated with the residential and commercial uses. Therefore, such potential impacts have been adequately addressed in the Draft SEIR.

However, this is an intense commercial/residential development that is directly adjacent to the river berm and provisions are needed to mitigate the ongoing litter, domestic pets, and intense human use of the riverbed and trails. Also, an approximately 100-ft. strip of the project site that parallels the river should be landscaped with native plants to protect the nearby native riparian habitat and sensitive species in the riverbed from competition with exotic plants.

Thank you for this opportunity to comment on the SEIR.

Joan Herskowitz, Conservation Committee, Buena Vista Audubon Society

CALIFORNIA STATE TRANSPORTATION AGENCY

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October 7, 2021

11-SD-76
PM 2.615
Ocean KAMP
DEIR/SCH#2006111033

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

Dear Mr. Madera:

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

B-1

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"

B-1 This comment is introductory in nature and specific comments follow. No further response is necessary.

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Mr. Sergio Madera, Principal Planner
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Page 2

B-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:

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.

B-2 The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Additionally, Caltrans and SANDAG, in partnership with the City of Oceanside and other local agencies, are preparing a Comprehensive Multimodal Corridor Plan (CMCP) for the North County San Diego sub-region, which encompasses the City of Oceanside. We recommend that the transportation improvements implemented to accommodate this project be coordinated with and support the mobility system improvements in the CMCP.

Complete Streets and Mobility Network

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

B-3 ↓ Signal modifications involving Caltrans R/W would need to be coordinated with the City of Oceanside and Caltrans to determine if it is feasible and to make sure that the technology proposed would be compatible with the existing infrastructure for both the local roads and freeway ramps. Caltrans will need to consult further with the City of Oceanside on their acceptance of this strategy before it can be formally supported. If

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B-2 The City agrees that close coordination with Caltrans is important in terms of smart growth policies, intersection/interchange improvements and, multi-modal interconnection and will continue to collaborate with Caltrans on these items.

The City/Applicant will coordinate the SEIR recommended transportation improvements with Caltrans and SANDAG, as necessary.

B-3 The City will continue to promote bicycle, pedestrian, and transit mobility for all projects within their jurisdiction, including the Ocean Kamp project.

The City will coordinate with Caltrans regarding physical and technological improvements within Caltrans Right-of-Way (ROW). Part of the improvements at the SR-76 / Foussat Road intersection will include installing American Disability Act (ADA) compliant sidewalks and curb ramps within Caltrans ROW. The improvements will also include Accessible Pedestrian Signals and countdown signal heads.

With regard to VMT, there are many factors that contribute to changes to the reported regional VMT, causing an increase or decrease depending on the assumption of different land uses. The VMT models are dynamic systems that consider the complex relationship between land use

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B-3
 cont.

Caltrans staff have to design changes for signal modifications and/or other changes to state R/W, funding must be provided.

Pedestrian and bicycle improvements at the intersection of SR-76 and Foussat Road need to be implemented to the satisfaction of Caltrans, due to the increased presence of pedestrians and bicyclists generated from the project. Improvements should include, but are not limited to:

- ADA compliant sidewalk installed on Foussat Road between SR-76 and the development.
- ADA compliant curb ramps at the intersection of SR-76 and Foussat Road.
- Installation of Accessible Pedestrian Signals (APS) and countdown pedestrian signal heads at the intersection of SR-76 and Foussat Road.

Caltrans encourages Active Transportation such as bike/ped paths and access. Please clarify if the Ocean KAMP bike networks connect to local or regional bike networks. Please confirm if bicycle parking will be available on-site.

Please provide further details and an explanation why the retail/commercial VMT will decrease by 917,756 with the addition of the project.

Environmental

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

B-4

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

We recommend that this project specifically identify 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

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B-3

(cont.) density, the mix/diversity of land uses, concentration of development, the spatial arrangement of land uses, and design, among other factors. A diversity of land uses that result in locating desired destinations, such as jobs and shopping, near housing and improved accessibility to these destinations from either home or work have been shown to decrease VMT. The Ocean Kamp project, which proposes a mix of commercial and residential uses, would provide a more efficient synergy of land uses including a reduced trip length for those living, working, and/or shopping on site. For example, a resident living in one of the project's proposed 700 dwelling units may choose to utilize commercial/retail services on site, as opposed to driving to another location, thereby reducing the overall regional VMT.

B-4

It is understood that an encroachment permit would be required, as part of the process, to enter Caltrans property and perform the work. As part of this process, final environmental documents and technical studies, including any final mitigation requirements will be provided to Caltrans for their use in coordinating the necessary permitting associated with project improvements within the Caltrans Right-of-Way for SR-76.

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B-4 cont. ↑
 lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

B-5
Noise
 The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of SR-76.

B-6
Broadband
 Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of 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.

B-7
Hydrology and Drainage Studies

- Provide FEMA Flood plain mapping for the proposed location.
- Demonstrate coordination with County Flood Control District regarding flood plain impacts.
- Provide Right-of-Way (R/W) lines indicating the Department of Transportation (Department) property in all applicable maps.
- Please work with Caltrans to obtain and present As-built information for SR-76 for the portion of the site location. If As-built cannot be obtained for this portion of SR-76, provide any existing drainage facility survey date.
- Provide preliminary grading plans that distinguish predevelopment conditions and post development conditions, include AES for predevelopment 100-year storm.
- Contours on the Hydrology maps are illegible. Please clearly show contour lines with 2-foot contours and clearly label the 2-foot contours.
- Please provide NRCS hydrologic soil group map.
- Provide flow paths for post development Hydrology.
- Existing contours in the predevelopment map should match the existing contours shown on the post development map. Please clarify why these are different.
- Please provide the following information for the proposed detention basin that drains into the Caltrans drainage facility:
 1. Plans: schematic
 2. Elevations vs Storage

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B-5 Comment noted. The EIR has assessed traffic noise impacts and the applicant understands Caltrans is not liable for existing or future noise impacts associated with SR-76.

B-6 Comment noted.

B-7 It is understood that an encroachment permit would be required, as part of the process, to enter Caltrans property and perform the work. As part of this process, final environmental documents including hydrology and drainage studies, will be provided to Caltrans for their review and use. As described in the SEIR, a Drainage Report (Walker 2020a; Appendix H) and Storm Water Quality Management Plan (SWQMP) (Walker 2020b; Appendix M) were prepared for the project by Tory R. Walker Engineering. The Drainage Report concluded that the project as designed would not substantially alter existing drainage patterns or increase flow to any Caltrans facility. Any work performed will be in accordance with the required SWQMP prepared for the project.

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B-7
cont.

- 3. Elevation vs Area
- 4. Elevation vs outlet flow
- 5. Inflow vs Outflow
- 6. Elevation vs Time
- 7. Volume vs Time
- 8. Preliminary grading plans for the detention basin
- Caltrans does not allow diversion as indicated in table one of the drainage study, please revise.
- Any modification to the existing drainage and increase runoff to State facilities will not be allowed.

Mitigation

Caltrans endeavors that any direct and cumulative impacts to the State Highway network be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

Existing segments of SR-76 currently experience significant delay. According to the project's supporting documents, the proposed project is calculated to generate 19,040 weekday ADT. Caltrans recommends that the City consider making provisions for the transportation needs associated with these expected trips, using a multimodal approach. Caltrans will work with our local partners to focus on maximizing use of the existing system to improve travel and the ability of people and goods to reach their destinations (accessibility) through other innovative solutions and alternatives to single occupancy vehicle use.

B-8

The Local Transportation Study (LTS) states that "the addition of Project traffic is calculated to contribute to operational deficiencies" on SR-76. The LTS cites fair share contributions for improvements on SR-76 "to reduce the Project's effect on the locations listed..." Caltrans requests that the City commit to use the contributions listed for SR-76 improvements to therefore make improvements to SR-76.

Caltrans recommends consideration of fair share funds towards future improvements associated with SR-76 corridor. Recommended feasible mitigation measures include fair share contribution towards bike and pedestrian improvements on SR-76. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any fair share monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

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B-8 LOS/delay has been removed as being the basis for determining significant impacts in CEQA per Senate Bill 743 (SB 743). Therefore, no CEQA impacts based on LOS/delay will occur. However, the City will continue to coordinate with Caltrans regarding physical and technological improvements within Caltrans ROW. Part of the fair share improvements at the SR-76 / Fousat Road intersection will include installing ADA compliant sidewalks and curb ramps within Caltrans ROW. The improvements will also include Accessible Pedestrian Signals and countdown signal heads.

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B-8
cont. ↑
Mitigation measures for proposed intersection modifications are subject to the Caltrans Intersection Control Evaluation (ICE) policy (Traffic Operation Policy Directive 13-02). Alternative intersection design(s) will need to be considered in accordance with the ICE policy. Please refer to the policy for more information and requirements (<http://www.dot.ca.gov/trafficops/ice.html>). 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.

Right-of-Way

Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.

B-9
Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

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

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

Sincerely,

Kimberly Dodson for

MAURICE A. EATON
Branch Chief
Local Development and Intergovernmental Review

B-9
It is understood that any work performed in Caltrans right of way will require further discretionary review by Caltrans and an encroachment permit.



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 CHARLTON H. BONHAM, Director



October 7, 2021

Sergio Madera, Principal Planner
 City of Oceanside
 300 N Coast Highway
 Oceanside, CA 92054
SMadera@oceansideca.org

Subject: Ocean Kamp (Project) Draft Supplemental Environmental Impact Report (DSEIR), SCH #2006111033

Dear Mr. Madera:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DSEIR from the City of Oceanside for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the originally circulated draft EIR (DEIR) and the final EIR (FEIR) in letters dated 07-10-2008 and 09-26-2008, respectively.

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Oceanside (City)

Objective: The objective of the redesigned Ocean KAMP Project (formerly Pavilion at Oceanside) is to develop a residential area containing 700 dwelling units, as well as a resort community that includes a 300-room hotel, beach club, 11 commercial buildings, and 20 acres of open space. Primary Project activities include clearing, grubbing, grading, vegetating open space areas, and construction.

The FEIR for the original Pavilion at Oceanside Project was certified by the City in 2008. The original Project proposal included construction of a 950,000-square-foot shopping center. The DSEIR indicates that ground-disturbance activities will be highly similar or identical to those described in the original Project and all proposed uses would occur within the graded impact footprint.

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

C-1 This comment is introductory in nature and specific comments follow. No further response is necessary.

C-1

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Location: The Project location is 3480 Mission Avenue, Oceanside, CA 92054, in San Diego County. The site is bounded to the north and west by the San Luis Rey River, to the east by Fireside Street, and to the south by Mission Avenue and State Route 76. A San Diego Gas & Electric transmission line easement traverses the property from north to south.

Biological Setting: The Project area hosts the following vegetation communities: southern willow scrub (0.12 acre), disturbed southern willow scrub (0.39 acre), disturbed wetland (0.22 acre), coyote brush scrub (including disturbed; 0.70 acre), non-native grassland (including disturbed; 41.50 acres), non-native vegetation (0.10 acre), disturbed habitat (21.9 acres), and developed land (27.40 acres). The Project site falls within the Wildlife Corridor Planning Zone of the City's draft Subarea Plan under the Multiple Habitat Conservation Program (MHCP) Subregional Plan. No sensitive species were observed on the Project site; however, seven sensitive species were observed adjacent to the project area along the San Luis Rey River during protocol bird surveys: least Bell's vireo (*Vireo bellii pusillus*; CESA and ESA-listed endangered), white-tailed kite (*Elanus leucurus*; California Fully Protected Species), yellow-breasted chat (*Icteria virens*; California Species of Special Concern (SSC)), yellow warbler (*Dendroica petechia brewsteri*; SSC), Cooper's hawk (*Accipiter cooperii*; CDFW Watch List), white-faced ibis (*Plegadis chihi*; CDFW Watch List), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*; SSC).

Timeframe: The DSEIR indicates that grading has commenced in compliance with the conditions established by the previously approved EIR for the Reduced Project/Draft Subarea Plan Alternative. The DSEIR states that mitigation measures established in the Mitigation Monitoring and Reporting Program for that project are being implemented. Although rough grading is currently occurring, the City will obtain wetland permits prior to precise grading of wetland areas.

COMMENTS AND RECOMMENDATIONS

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

I. CDFW Prior Project and Mitigation Comments

In 2007-2008, CDFW and U.S. Fish and Wildlife Service (collectively referred to as the Wildlife Agencies) issued several joint letters in response to the DEIR, FEIR, and associated mitigation, including the proposed wildlife corridor and non-native grassland mitigation, for the Pavilion at Oceanside Project (SCH# 2006111033). The Wildlife Agencies had concerns regarding the Pala Road Extension alternative; however, the DSEIR indicates that the 88.3-acre Reduced Project/Draft Subarea Plan Alternative was approved for implementation as the Environmentally Preferred Project during the City Council consideration of The Pavilion at Oceanside. The Reduced Project/Draft Subarea Plan Alternative does not extend Pala Road. The DSEIR indicates that there will be no additional biological resource impacts beyond those identified in the Pavilion FEIR.

Non-native Grassland Impacts and Mitigation:

The Pavilion FEIR indicates that upland habitat impacts will include the loss of 39.8 acres of non-native grassland, which shall be mitigated at a 0.5:1 ratio, totaling 19.9 acres. Since that time, the City has been coordinating with the Wildlife Agencies regarding its mitigation obligations. In July 2019, a provisional agreement was reached in that an off-site parcel would provide 14.06 acres of non-native grassland mitigation. The City confirmed on March 10, 2020 that the off-site parcel was purchased, and the restrictive covenant details are still being finalized. Additionally, the Wildlife Agencies agreed that the City will be credited with 5-6 acres of non-native grassland mitigation once the on-site "stepping stone" habitat is planted, preserved, and funded in perpetuity (Zoutendyk 2019). Details of the land protection instrument (e.g., conservation easement) were still under review as of March 2020. While non-native grassland mitigation is discussed in the FEIR, it is not included in the Applicable Pavilion EIR Avoidance, Minimization, and Mitigation Measures (Page 5.1-8) listed in the DSEIR. The DSEIR, however, notes that 41.5 acres of non-native grassland would be directly impacted. The DSEIR indicates that the entire upland area has been graded and that mitigation measures have been implemented pursuant to the Pavilion FEIR. The Final EIR for Ocean KAMP should clarify specific acreage of non-native grassland being impacted and include the accompanying mitigation measures. We look forward to additional coordination with the City regarding non-native grassland mitigation.

Wetland Impacts and Mitigation:

Prior analysis under the Pavilion FEIR: Wetland impacts outlined in the FEIR include 0.12 acre of southern willow scrub which will be mitigated at a 3:1 ratio (0.36 acre), as well as 0.39 acre of disturbed southern willow scrub and 0.22 acre of disturbed wetland to be mitigated at a 2:1 ratio

C-1
cont.

C-2

C-3

C-4

C-2 This comment accurately describes the findings of the Pavilion EIR and analysis contained within the SEIR.

C-3 Prior grading of the project site impacted 36.34 acres of non-native grassland (NNG) and will provide compensatory mitigation at a 0.5:1 ratio for a total 18.17 acres of NNG. As noted in the comment, the City and applicant have coordinated with the agencies on acceptable mitigation locations and protections. The applicant and City will continue to coordinate with the agencies regarding the NNG mitigation.

C-4 As noted by the commenter, the wetland acreages have been updated to reflect the current permitting process outlined in Mitigation Measure BIO-13. The City and applicant continue to work with the agencies through CDFW's Lake and Streambed Alteration Program.

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(0.78 acre and 0.44 acre, respectively), for a total of 1.58 acres. The Pavilion FEIR indicates that wetland mitigation will include creation of 0.28 acre of wetland habitat (no net loss) with a 20-foot-wide Diegan coastal sage scrub buffer, as well as purchase of 0.40 acre of mitigation credits.

Current Analysis in DSEIR: Mitigation Measure BIO-2 in the DSEIR indicates that 0.57 acre of wetland will be impacted (0.22 acre of potentially Corps/RWQCB jurisdiction and 0.57 acre of CDFW jurisdiction), and that mitigation will be provided at a 3:1 ratio in the San Luis Rey Mitigation Bank for purchase of 1.71 acres. The DSEIR notes that wetland acreages have been updated to reflect the current permitting process outlined in Mitigation Measure BIO-13, which indicates that mitigation for the loss of jurisdictional waters would be conditions of the permits issued by USACE, RWQCB, and CDFW.

Table 2-6 (Page 2-21) in the SEIR indicates that a Section 1602 Streambed Alteration Agreement will be obtained from CDFW. As previously discussed in the Pavilion FEIR, review and approval of the compensatory mitigation ratios and wetland mitigation plan by CDFW will be determined during the wetland permitting process. We look forward to receiving the City's notification for the above-referenced wetland impact activities, including the wetland mitigation plan, prior to precise grading of wetland areas. More information about CDFW's Lake and Streambed Alteration Program can be found on CDFW's website at <https://wildlife.ca.gov/Conservation/LSA>.

II. Project Description and Related Impact Shortcoming

COMMENT #1: Potential Building Design Impacts on Migratory Birds

Issue: Design aspects of the newly proposed resort hotel appear to include features that pose a risk to migratory birds. Buildings containing large glass panels or windows pose the risk of bird strike, a direct impact to which migratory avian species are particularly susceptible. Although designs that include glass windows and night lighting can pose a risk to birds, impacts can be minimized by incorporating "bird safe" design elements.

Specific impact: Clear glass is invisible to birds and collisions are frequently fatal. The two primary hazards of glass for birds are reflectivity and transparency (San Francisco Planning Department 2011).

Why impact would occur: The San Luis Rey River provides high quality habitat along a riparian corridor. The habitat serves both as potential breeding habitat to least Bell's vireo and other avian species, as well foraging habitat and as a refugia for resident and migratory avian species. Avian species perceive reflective and transparent glass as clear airspace, leading to collisions with windows. Interior lighting elements can also contribute to window strikes at night.

Evidence impact would be significant: Annual bird mortality resulting from window collisions in the U.S. is estimated to be between 365-988 million birds (Loss et al. 2014).

Recommendation Regarding Project Description and Related Impact Shortcoming

Recommendation #1:

To minimize significant impacts: Bird strikes, a direct impact to which migratory avian species are particularly susceptible, can be minimized through incorporation of "bird safe" architectural design elements. Purpose-driven elements such as glazed windows, well-articulated building facades, and minimal nighttime lighting are encouraged to reduce collisions of migratory birds with buildings. Large flat windows, reflective glass, and transparent corners are strongly discouraged. The Project area is adjacent to the San Luis Rey River which hosts an abundance of sensitive avian species; CDFW therefore recommends that the City incorporate the guidelines described in Standards for Bird Safe Buildings (Ibid.) in the Project's structure designs (San Francisco Planning Department 2011).

III. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #2: Nesting Bird Impacts

Page 5.1-9

Issue: Mitigation Measure BIO-9 (MM BIO-9) does not adequately avoid or minimize impacts to nesting migratory birds.

Specific Impact: MM BIO-9 indicates, "[t]o ensure compliance with the Migratory Bird Treaty Act, clearing of any native vegetation shall be done outside the breeding season of most avian species

C-4
cont.

C-5

C-6

C-5 Ass suggested by CDFW, the project has incorporated the following project design feature using guidelines included in the Standards for Bird-Safe Buildings document by the San Francisco Planning Department, as recommended:

- The proposed project would be designed with predominantly non-reflective material and would comply with the Standards for Bird-Safe Buildings to the extent practicable to minimize impacts related to bird collisions.

C-6 As suggested by CDFW, Mitigation Measure BIO-9 has been updated as follows in the Final SEIR and Mitigation Monitoring and Reporting Program:

COMMENTS

RESPONSES

Sergio Madera
City of Oceanside
October 7, 2021
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(February 15 to July 31) unless pre-construction surveys are conducted to determine that no nesting birds are present immediately to clearing nor are in areas which could be impacted by noise." The mitigation measure does not provide any details of the pre-construction nesting bird surveys. To adequately identify nesting bird presence in the Project area, all vegetation within the Project footprint and a surrounding 100' buffer should be surveyed by a qualified biologist for nesting bird presence, no more than 3 days prior to ground disturbance, vegetation removal, or construction activities. Species-appropriate buffer zones of no activity should be established around any active nests and be monitored until the nest is no longer active.

Why impact would occur: Direct impacts to nesting birds may occur from vegetation removal; indirect impacts may occur from vibration, noise, dust, and increased human activity related to construction.

Evidence impact would be significant: In addition to the federal Migratory Bird Treaty Act, the California Fish and Game Code Sections 3503, 3503.5, and 3513 require the avoidance of the incidental loss of eggs or nestlings, or activities that lead to nest abandonment (Fish & G. Code, § 3503, 3503.5, and 3513 *et seq.*).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

As discussed above, MM BIO-9 indicates that nesting bird surveys will be conducted if vegetation is removed during breeding season but does not provide any additional detail. To adequately mitigate for nesting bird impacts, we recommend that MM BIO-9 be amended to read as follows (Changes in bold):

Mitigation Measure #1:

"To ensure compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, clearing of any native vegetation shall be done outside of the avian breeding season (raptor nesting season is January 15 through September 15; and migratory bird nesting season is February 15 through August 31), unless pre-construction surveys are conducted to determine that no nesting birds are present immediately to clearing, nor are in areas which could be impacted by noise. Should vegetation removal take place during this period, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to construction activities to ensure that birds are not engaged in active nesting within 100 feet of the project site. If nesting birds are discovered during preconstruction surveys, then avoidance or minimization measures shall be undertaken in consultation with the California Department of Fish and Wildlife (CDFW) and prior to issuance of any grading or construction permits. Measures shall include establishment of an avoidance buffer until nesting has been completed. The width of the buffer will be determined by the project biologist. Typically, this is a minimum of 100 feet from the nest site in all directions (300 feet is typically recommended by CDFW for any state or federally listed passerine species and 500 feet for raptors), until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor the nest(s) during construction and document any findings. A report will be made available to CDFW upon request."

ENVIRONMENTAL DATA

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

CONCLUSION

CDFW appreciates the opportunity to comment on the DSEIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jessie Lane, Environmental Scientist, at Jessie.Lane@wildlife.ca.gov.

C-6

(cont.) To ensure compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, clearing of any vegetation shall be done outside of the avian breeding season (raptor nesting season is January 15 through September 15; and migratory bird nesting season is February 15 through August 31), unless pre-construction surveys are conducted to determine that no nesting birds are present immediately to clearing nor are in areas which could be impacted by noise. Should vegetation removal take place during this period, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to construction activities to ensure that birds are not engaged in active nesting within 100 feet of the project site. If nesting birds are discovered during preconstruction surveys, then avoidance and minimization measures shall be undertaken in consultation with the California Department of Fish and Wildlife (CDFW) and prior to issuance of any grading or construction permits. Measures shall include establishment of an avoidance buffer until nesting has been completed. The width of the buffer will be determined by the project biologist. Typically, this is a minimum of 100 feet from the nest in all directions (300 feet is typically recommended by CDFW for any state or federally listed passerine species and 500 feet for raptors), until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor the nest(s) during construction and document any findings. A report will be made available to CDFW upon request.

C-7

Comment noted. Any special status species and natural community detected during project surveys will be reported to the California Natural Diversity Database (CNNDDB).

C-6
cont.

Sergio Madera
City of Oceanside
October 7, 2021
Page 5 of 6

Sincerely,

DocuSigned by:

David Mayer

0710164201315405

David A. Mayer
Environmental Program Manager I
South Coast Region

ec: Cindy Hailey, CDFW – Cindy.Hailey@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov
David Zoutendyk, USFWS – David.Zoutendyk@fws.gov
Janet Stuckrath, USFWS – Janet.Stuckrath@fws.gov

REFERENCES

California Department of Fish and Wildlife, U.S. Fish and Wildlife Service. 2008. Comments on the Draft Environmental Impact Report (DEIR) for the Pavilion Project, City of Oceanside, CA. SCH #2006111033.

California Department of Fish and Wildlife, U.S. Fish and Wildlife Service. 2008. Comments on the Final Environmental Impact Report (FEIR) for the Pavilion Project, City of Oceanside, CA. SCH #2006111033.

City of Oceanside. 2008. Final Environmental Impact Report for the Pavilion at Oceanside. SCH #2006111033.

Loss, S.R., T. Will, S.S. Loss, and P.P. Marra. 2014. Bird-building collisions in the United States: estimates of annual mortality and species vulnerability. Condor 116: 8-23.

San Francisco Planning Department. 2011. Design Standards for Bird Safe Buildings. <https://sfplanning.org/standards-bird-safe-buildings#info>

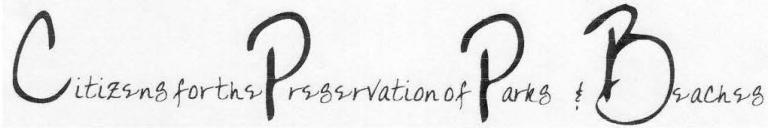
Zoutendyk, David. USFWS. Dated July 12, 2019. Email with Mark McGuire regarding City of Oceanside mitigation obligations. On file, California Department of Fish and Wildlife R5 Office.

Sergio Madera
 City of Oceanside
 October 7, 2021
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Attachment A:

CDFW Draft Mitigation, Monitoring, and Reporting Plan and Associated Recommendations

	Mitigation Measures	Timing	Responsible Party
Recommendation #1	Bird strikes, a direct impact to which migratory avian species are particularly susceptible, can be minimized through incorporation of "bird safe" architectural design elements. Purpose-driven elements such as glazed windows, well-articulated building facades, and minimal nighttime lighting are encouraged to reduce collisions of migratory birds with buildings. Large flat windows, reflective glass, and transparent corners are strongly discouraged. The Project area is adjacent to the San Luis Rey River which hosts an abundance of sensitive avian species; CDFW therefore recommends that the City incorporate the guidelines described in Standards for Bird Safe Buildings (Ibid.) in the Project's structure designs (San Francisco Planning Department 2011).	Prior to construction	City of Oceanside
Mitigation Measure #1	<i>To ensure compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, clearing of any native vegetation shall be done outside of the avian breeding season (raptor nesting season is January 15 through September 15; and migratory bird nesting season is February 15 through August 31), unless pre-construction surveys are conducted to determine that no nesting birds are present immediately to clearing, nor are in areas which could be impacted by noise. Should vegetation removal take place during this period, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to construction activities to ensure that birds are not engaged in active nesting within 100 feet of the project site. If nesting birds are discovered during preconstruction surveys, then avoidance or minimization measures shall be undertaken in consultation with the California Department of Fish and Wildlife (CDFW) and prior to issuance of any grading or construction permits. Measures shall include establishment of an avoidance buffer until nesting has been completed. The width of the buffer will be determined by the project biologist. Typically, this is a minimum of 100 feet from the nest site in all directions (300 feet from state or federal listed passerine species and 500 feet for raptors are typically recommended by CDFW), until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor the nest(s) during construction and document any findings. A report will be made available to CDFW upon request.</i>	Prior to construction	City of Oceanside



October 8, 2021

Re: Ocean Kamp Project Comments on SEIR

TO: Sergio Madera, Planning Dept City of Oceanside
Sent via e-mail 10/8/21

Please accept these comments on behalf of the CPPB. As a community-based organization in the City of Oceanside, we are concerned about the impacts this project will create. Several issues were not addressed in this SEIR and did not adequately address impacts to our community.

Project Description

“... The Project proposes approximately 36 acres of commercial uses within the central/ southwestern portion of the site and approximately 36 acres of residential uses within the northern and eastern portions of the site. The remaining 20 acres of the site are proposed to be preserved as open space, including a 4-acre stepping-stone wildlife corridor located along the eastern property boundary. Commercial uses are proposed to include a 300-key resort hotel, hotel conference buildings, a surf lagoon and beach club, and commercial buildings offering approximately 126,400 square feet (SF) of office, retail and restaurants”

D-1

The description includes a surf lagoon and beach club. Nowhere in the SEIR is there a description of what technology will be used in the “surf lagoon”. There are quite a few wave pool technologies being used throughout the world and they are different. There are no references in the SEIR to the technology being proposed to produce waves in the proposed surf lagoon. Water demand is a function of size and the energy demand is a function of technology so it is very important that the SEIR include the technology that will be used in the proposed “surf lagoon”
The technology is absolutely relevant to the consideration of the surf lagoon’s environmental impact. Every surfable wave technology has a different energy requirement, which of course is relevant to the project’s GHG emissions and Climate Action Plan compliance.

Water Supply Assessment

Since the water supply assessment relies heavily on speculative future conservation efforts within the City of Oceanside to drive down demand despite forecast for population growth. There is no substantial evidence to support the finding that sufficient water will be available for the wave pool component given the likely conservation mandates which would also apply to the proposed wave pool itself and the projected growth in the City of Oceanside. Again, since water demand is a function of size and the energy demand is a function of technology, it is very important that the SEIR include the technology that will be used in the proposed “surf lagoon”

D-2

904 Leonard Avenue ~ Oceanside ~ CA ~ 92054

D-1

Appendix L to the Draft SEIR contains detailed Climate Action Plan consistency and energy demand analyses based on conservative assumptions of expected water and energy use. These conservative estimates provide flexibility in selecting the final wave pool technologies to be used as wave pool technology is continually evolving. No specific wave pool technology has been selected at this time. As detailed in Appendix L, Table 1, the wave pool generator is estimated to consume 4,520,900 kWh of electricity per year and the project as a whole is estimated to consume 12,219,300 kWh annually. The project will be consistent with the CAP measure requiring mixed-use developments (consisting of residential and commercial uses) larger than 12,500 square feet offset a minimum of 50% of the forecasted energy consumption. The project will install a 3,700 kW rated photovoltaic array to satisfy the CAP Checklist’s requirement to offset approximately 6.1 million kWh of electricity.

D-2

Refer to page 33 of the project’s WSA, included as Appendix I to the Draft SEIR. The WSA created a list of proposed future developments expected in a 20 year planning horizon and their water demands were estimated and compared to the demand increase projected in the 2015 UWMP. Water demands of all proposed future projects, and all aspects and phases of the project analyzed in the WSA, including its landscaping, and its wave pool, were estimated based on the recommended water unit factors from the 2015, which conservatively do not take into consideration of water savings due to implementation of water

D-2 (cont.) conservation measures or recycled water conversions. Additionally, pursuant to Government Code Section 66473.7, (a)(2) *“Sufficient water supply” means the total water supplies available during normal, single-dry, and multiple-dry years within a 20- year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses. In determining “sufficient water supply, all of the following factors shall be considered:*

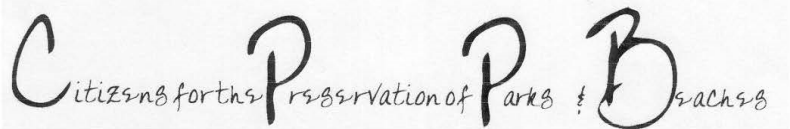
(A) The availability of water supplies over a historical record of at least 20 years.

(B) The applicability of an urban water shortage contingency analysis prepared pursuant to Section 10632 of the Water Code that includes actions to be undertaken by the public water system in response to water supply shortages.

(C) The reduction in water supply allocated to a specific water use sector pursuant to a resolution or ordinance adopted, or a contract entered into, by the public water system, as long as that resolution, ordinance, or contract does not conflict with Section 354 of the Water Code.

(D) The amount of water that the water supplier can reasonably rely on receiving from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer, including programs identified under federal, state, and local water initiatives such as CALFED and Colorado River tentative agreements, to the extent that these water supplies meet the criteria of subdivision (d).

With the City’s Water Shortage Contingency Plan in place and in consideration of all the factors identified above, it is not expected that the City would have to change either its current supply strategy, or the implementation of its Water Shortage Contingency Plan in response to a drought over multiple dry years, to meet the Project and existing/planned water demand from other projects. Therefore, “sufficient water supply” has been demonstrated consistent with the Government Code definition provided above.



Page 1

Fire & Traffic

“Majority of the project site is located within a Very High Fire Hazard Severity Zone.”
Where is the evacuation plan? There are several housing developments in existence above the proposed project. Those housing developments back up to Camp Pendleton and are in a fire hazard zone. There are only 2 ingress and egress to those developments that back up to a fire hazard zone. With one way in and out on Benet and one way in and out on Foussat. What is the plan to evacuate these residents in the event of a wildfire??
With the addition of 700 more homes, plus an entertainment venue and a “surf lagoon” with one way in and one way out puts the residences in this project as well as the neighborhoods above in great danger.

D-3

In closing, **“According to CEQA Guidelines Section 15126.2(e), “it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”**

D-4

Thank you for taking my comments.

Carolyn Krammer, Chairperson
Citizens for the Preservation of Parks & Beaches
904 Leonard Avenue
Oceanside, CA. 92054

Page 2

904 Leonard Avenue ~ Oceanside ~ CA ~ 92054

D-3

As described in Section 5.2 of the Draft SEIR, per the Pavilion FEIR, the project would not result in significant impacts related to emergency response plans or wildland fires. According to the Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA) map prepared by the California Department of Forestry and Fire Protection (CAL FIRE) for the City of Oceanside, the majority of the project site is located within a Very High Fire Hazard Severity Zone (VHFHSZ; CAL FIRE 2009). However, the majority of the City, including much of the area surrounding the project site, is developed urban land classified as a Non-VHFHSZ. Implementation of the proposed project would not increase the risk of wildland fire at the site and would not result in impacts related to wildfire beyond those evaluated in the Pavilion FEIR. In 2017, the City adopted the City of Oceanside Emergency Operations Plan, which was designed to provide the framework for responding to any type of emergency or disaster that might impact the City. The City’s Emergency Operations Plan is not a document that provides step-by-step details for responding to specific emergencies, but rather provides a flexible response system based upon planning, training, and selection of City personnel to staff the various emergency response positions (City 2016). Therefore, implementation of project would not interfere with the City’s Emergency Operations Plan.

Further, all project structures would be constructed in compliance with the applicable California Building Code (CBC) regulations and would include installation of standard fire safety features. Project utilities would uniformly tie-in to existing facilities, and the project does not propose off-site improvements that could exacerbate wildfire risk. The project would not result in impacts related to wildland fire greater than those evaluated in the Pavilion Final EIR. Therefore, impacts would be less than significant.

D-4

This comment is general in nature and does not address the content or adequacy of the SEIR. As such, no response is necessary.



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

October 8, 2021

City of Oceanside
 Sergio Madera
 300 N Coast Hwy
 Oceanside CA 92054

Email: smadera@oceansideca.org
 cc: City Clerk znavarro@oceansideca.org

Re: Ocean Kamp SEIR

To whom it may concern,

E-1 Thank you for offering us the opportunity to comment on this proposed project. Friends of Loma Alta Creek (Friends) want to ensure all development in the City is appropriate and will not overly impact the natural resources of the area, will significantly contribute to sustainability of the City and complies with existing zoning without imposing significant environmental impacts, including indirect impacts.

E-2 It is apparent that this project has not adequately analyzed long term traffic impacts as Highway 76 is already congested. Transit stops in the project will do almost nothing to remove the Vehicle Miles Traveled as Oceanside is notorious for a poor transit system that is anything but rapid.

E-3 Water availability for millions and millions of gallons that must be potable water for the use proposed during climate change and continued drought is inadequately analyzed. This area is still largely dependent on Colorado River Water and the takers from that source are starting to want to increase their shares. Please explain how a massive water feature is climate friendly and sustainable.

E-4 Also poorly analyzed is the increased Greenhouse Gas impacts without proper offsets and this project definitely goes in the wrong direction to fulfil the Climate Action Goals of the City.

E-5 The proposed project also fails to take into account the Housing Element and needed affordable units, etc. If they are going to build at that corridor site they must include affordable housing units to satisfy the Draft Sustainability and Corridor Plan.

It's inappropriate to put more low paying jobs in the city as it has the lowest jobs-to-housing ratio in the county. The creation of retail and service jobs are almost guaranteed to be minimum
 Comments by Friends of Loma Alta Creek, Ocean Kamp SEIR

E-1 This comment is general and introductory in nature and does not address the content or adequacy of the SEIR. As such, no response is necessary.

E-2 The comment offers the author's general opinion about traffic. Table 5-1 of the traffic study contains the existing analysis of SR-76 and shows existing operations at several intersections. Improvements are recommended in the traffic study to improve operations. None of those improvements recommended additional "transit stops".

Further, Section 11.0 of the traffic study discusses the long-term analysis for the project. Excerpt below:

Analysis of Long Term (Year 2035) conditions was not conducted for the project. As previously discussed in Section 2.2 of the study, an EIR addressing development of the project site was certified by the City of Oceanside in 2008. The Pavilion at Oceanside project described in the EIR consisted of a 950,000-square foot (SF) shopping center with a variety of retail uses. The previously approved project was calculated to generate 32,175 ADT, with 1,254 AM peak hour trips and 2,872 PM peak hour trips.

COMMENTS

RESPONSES

	<p>E-2 (cont.) The currently proposed Ocean Kamp project is calculated to generate 13,135 fewer ADT (approximately 41% less) than the site’s previously approved Pavilion project. Therefore, an analysis of Long-Term conditions for a project site that has already been approved for more trips than are currently proposed is not warranted.</p> <p>E-3 Please refer to Response D-2 above regarding water supply. That analysis takes into consideration the various water sources relied on by the City, including the various demands for the Colorado River water mentioned in this comment. Additionally, the wave lagoon and all other water demands of the project were properly analyzed in the analysis of greenhouse gas emissions and consistency with the Climate Action Plan. No significant water supply or GHG impacts were identified.</p> <p>E-4 The commenter offers an opinion about the quality of the GHG analysis that does not reference the project specific analysis included within the Draft SEIR. As disclosed in the Draft SEIR, by achieving the identified efficiency threshold, the project would not conflict with the goals of the City’s CAP and may be seen to achieving its fair share of the state’s reduction target. The project applicant has committed to install sufficient on-site solar electricity panels to generate 50% of the project estimated electricity consumption consistent with the City’s CAP checklist, as described in the Air Quality and Greenhouse Gas Emissions technical report (Appendix J to the SEIR), Section 3.6.2 as well as in Section 11, the Mitigation Monitoring and Reporting Program (MMRP) as a Project Design Feature (PDF).</p> <p>E-5 Section 4.2 of the SEIR analyzes consistency with the City’s Housing Element. As described in Section 4.2, the project includes the development of up to 700 residential units within a Smart Growth Opportunity Area (SGOA) and located along the Mission Avenue commercial corridor, which is served by a high-frequency bus line, consistent with the intent of the Housing Element to encourage a variety of housing opportunities and provide housing along transit corridors. The proposed multi-family residential units may include a variety of sizes to accommodate a range of housing needs. The project would contribute to the needs of low and moderate-income families through the provision of affordable housing and/or the payment of affordable housing in-lieu fees. As described in the Mixed Use Development Plan, the applicant</p>
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E-5 (cont.) would satisfy the City of Oceanside Inclusionary Housing Ordinance requirement by paying the applicable in-lieu fee for 50% of the ultimately required affordable units. The balance of the affordable units would be constructed within the project residential development; however, the City may agree that the required affordable units could be constructed in another mutually agreeable location off site. The ultimate number of required affordable units would be 10% of the residential units physically constructed within the project.

The Draft Sustainability and Corridor Plan mentioned in the comment is known as the Oceanside Smart and Sustainable Corridors Plan. The goals of this plan are planning infrastructure that is bicycle, pedestrian, and transit-friendly; increasing mixed-use development; decreasing greenhouse gas emissions through increased use of transit, walking, and biking; attracting more commercial and industrial businesses and jobs to Oceanside; preserving the City’s open space and reducing sprawl; and supporting the rest of the work of the General Plan Update. The project is consistent with this plan. The project includes: the mobility hubs and bicycle and pedestrian paths designed to promote walking and biking detailed in Figure 2-10, a mixed use development plan combining residential, commercial, office space, retail, recreational and open space elements, attracting commercial employees, preserving 20 acres of open space, and supporting the general plan update.

With regards to wages and jobs-to-housing ratio, pursuant to CEQA Guidelines §15064(e) and 15131, an EIR need not address economic or social changes unless the change would result in a significant physical environmental impact. The comment does not specify how the author’s opinion about project jobs relates to CEQA compliance.

Finally, the commenter generally offers support for other alternatives to the project, including light industrial or the previously approved project. An EIR is required to review a reasonable range of feasible alternatives that meet most of the project’s objectives and would lessen or eliminate significant environmental impacts. As such, the SEIR included a range of alternatives, including the No Project alternative in Chapter 8.0 of the SEIR. As it is unclear how industrial uses would meet the basic project objectives or reduce or eliminate impacts, no light industrial alternative use is required to be analyzed.

COMMENTS

RESPONSES

2

E-5 cont. wage ones. A much better and higher use for this land would be light industrial. Or revert to the previous approved project that would inject more revenue into the city.

E-6 Either of these alternatives would avoid practically all of the negative and poorly analyzed impacts as outlined above: less traffic, less water use, less impact on greenhouse gas, and even though it wouldn't provide affordable units, it would provide good paying jobs that enable residents to avoid commuting and earn a decent livelihood while residing in Oceanside, thereby raising the jobs-to-housing ratio.

E-7 The proposed also appears to have a significant impact on the existing wildlife corridor and breaks up the continuum. This must be further analyzed.

E-8 A much reduced project with no housing and no huge water using feature plus significant GOOD job creation opportunities is our preferred alternative at this point.

Thank you for considering our comments,

Friends of Loma Alta Creek



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

Comments by Friends of Loma Alta Creek, Draft Community Vision, PC hearing 09/13/2021

E-5 (cont.) The EIR analyzed the No Project Alternative. No Project Alternative is the previously approved project and includes no residential uses as preferred by the commenter. An additional alternative was also included that reduced the project hotel and residential units in an attempt to address the significant noise and VMT impacts associated with the Project. The decision makers will weigh these alternatives in light of the impacts and benefits of the proposed project and public comments received during hearings for the proposed project.

E-6 Please refer to the final paragraph of Response E-5 above.

E-7 The comment does not explain why the author is of the opinion that the SEIR does not adequately analyze and disclose potential impacts on the existing wildlife corridor. Refer to page 2 11 of the Draft SEIR. As discussed, the project would preserve approximately four acres of biological open space along the eastern property boundary to serve as a "stepping stone" corridor that would be restored to serve as a functioning wildlife movement corridor and linkage for sensitive avian species. Direct and indirect impacts related to the existing wildlife corridor associated with the San Luis Rey River have also been sufficiently addressed in the Draft SEIR in Section 5.1.3. As stated in Section 5.1.3, the existing levee extends 100 feet out from the San Luis Rey River; the levee is rock-faced on both sides and a paved bike path/recreational trail is at the top. As this area is already developed, the resource agencies have agreed that no direct impacts will occur and no additional buffer is required on-site. The project development is further set back from the levee by the full width of Foussat and off-site Pala Roads as well as further on-site landscaping and building setbacks. These intervening structures would limit the extent of indirect impacts from development of the site. However, indirect impacts associated with urbanization and increased human activity at the site were still identified. As required by mitigation measure BIO 6, the conservation easement over the onsite 100-foot corridor will be provided for review and approval by the Wildlife Agencies as a condition of project approval to address the indirect impacts of the Project. With implementation of this measure, no impacts to the wildlife corridor will occur.

E-8 Please refer to Response E-5 and E-6 above.



October 7,2021

Sergio Madera
Planning Department, City of Oceanside
Sent via email

Subject: Comments on SEIR for Ocean Kamp Project

Dear Mr. Madera:

These comments are made on behalf of Preserve Calavera. Preserve Calavera is a grassroots conservation organization whose mission is to preserve, protect and enhance the natural resources of coastal north San Diego County.

Our primary concerns with this project are its failure to adequately address impacts on Biological Resources, and the immediate and cumulative impacts on Greenhouse Gasses. This includes concerns about the amount of water used for a project like this, considering long term implications for water supply, continuing drought, and current statewide order to reduce water use.

We are in a climate crisis. While Oceanside has adopted a Climate Action Plan (CAP), the CAP itself, the failure of the City of Oceanside to actually implement many of the provisions of the CAP, and the inadequate analysis of the actual impacts associated with this project still leave these impacts significant, and unmitigated. In addition, there are a number of places where changes between this project and the prior Pavillions Project and its associated EIR are not adequately identified, analyzed or mitigated.

The following are our specific issues of concern:

Project Description

- 1.95 acres of city owned land added

Page 34 (electronic) notes that this new project adds 1.95 acres of City-owned land. Please clarify why, when and how that occurred, where that land is located and its current zoning.

Sustainability/Energy Use

- Percentage of energy offset by PV

The CAP requires 50% of energy use to be offset by sustainable energy. We did not find calculations that demonstrated compliance with this- that start with total energy use on the site (not just changes from the Pavillions project when no such requirement was in place).

Preserve Calavera
5020 Nighthawk Way – Oceanside, CA 92056

- F-1 This comment is general and introductory in nature and specific comments follow. Please see responses F-2 through F-19 below for more specific responses. No further response to this comment is necessary.
- F-2 The 1.95-acre City-owned parcel, which is zoned Community Commercial, has been considered part of the project site since the 2008 Pavilion EIR. However, the City-owned parcel is no longer included as a portion of the Project site. The site is still addressed in the SEIR as an off-site location where underground utilities could be located.
- F-3 Appendix L to the Draft SEIR contains detailed Climate Action Plan consistency and energy demand analyses. As detailed in Appendix L, Table 1, the commercial component of the project is estimated to consume 12,219,300 kWh annually. The project will be consistent with the CAP measure requiring all new mixed-use developments (consisting of residential and commercial uses) larger than 12,500 square feet offset a minimum of 50% of the forecasted energy consumption. The project will install a 3,700 kW rated photovoltaic array to satisfy the CAP Checklist’s requirement to offset approximately 6.1 million kWh of electricity.

COMMENTS

RESPONSES

F-4 - Shade tree placement
 There is a table that details the distance of trees from various project components- but nothing that describes how trees should be located on site to help reduce energy use, or to support the use of alternative transportation. Such guidelines should consider things like direction of, height of buildings, and location of windows. Simply saying there will be a specified number of shade trees is not sufficient to demonstrate compliance with the intent of this item.

F-5 - Public transit not sufficient to reduce auto trips
 Providing space for transit stops is not sufficient to reduce auto trips without actual transit service. Text mentions distance of project from transit routes- but it is the residents/visitors that will be using transit. How far are the residential units from transit? What is the assumed mode split for trips to this facility? Which land uses will support transit and how will that occur? There are several places where a Transportation Demand Management Plan is mentioned- but it has not been included.

F-6 - No figure showing access for all transportation modes
 Please add a figure that shown pedestrian, bicycle and transit circulation and access. Just saying there are good connections does not ensure that.

F-7 **CAP Compliance**
 - Numerous CAP compliance conditions not sufficiently detailed
 See discussion above re shade trees, TDM, and alternative transportation.

F-8 - Need to justify VMT reduction calculation
 The project calculated the design features will reduce VMT by 11.7%. Under the guidelines design features can reduce VMT from 3-21.3%. Please justify the assumption that the specific design features included will result in the reduction of 11.7% that is claimed.

F-9 - City of Oceanside is not complying with numerous provisions of its CAP
 This project is using CAP compliance as part of its assumed claim that there are no direct or cumulative GHG impacts. However, that assumes the CAP is being implemented as planned. Failure to do so means the CAP cannot demonstrate reduction of GHG sufficient to meet state reduction targets. While the city has adopted three CAP implementing ordinances there are numerous action items that have not have been completed in accordance with the CAP. These delays in implementation have been discussed in detail in meetings between city staff and local Sierra Club representatives.

F-10 **Biological Resources**
 - Clarification of status of reduced project/SAP Alternative

Preserve Calavera
 5020 Nighthawk Way – Oceanside, CA 92056

F-4 According to Section 3049 of the City of Oceanside Comprehensive Zoning Ordinance, any project that has an area of 1 acre or more must have a minimum canopy tree area of 12% to meet the Urban Canopy guidelines and shade tree requirements outlined in the City’s CAP. The project will comply with this utilizing a mixture of shade trees chosen from the current approved city of oceanside street tree list. The use of shade trees is included in section 2.4.3 the Draft SEIR as a sustainability feature. As further detailed in Section 4.2, Land Use and Planning, “pedestrian enhancements include providing landscaped pedestrian areas for social interaction with the inclusion of benches, water features, and shade trees and provide enhanced pedestrian circulation with access and connections to internal walkways, paseos, and the open space system.” The discussion continues stating that project design features include “Incorporation of shade trees and planting and irrigation infrastructure that maximize energy and water conservation. Section 2.4.4 of the Draft SEIR, *Landscaping*, discusses the detailed landscape plan and includes Figures 2-7 and 2-8 detailing the general locations of the plants and trees. For details regarding the location and type of each plant and tree, please see sheets L1.0, L1.1, and L2.1 through L2.6 following this page.

F-5 Section 4.3 of the local traffic study (Appendix D of the SEIR) contains information on local transit conditions including routes 303, 309 & 313 from the San Luis Rey Transit Center. The 303 and 311 bus stops are also within a few hundred feet of the intersection of Ocean Pointe Road and Mission Avenue. Additionally, the project is located within SANDAG’s 2021 Regional Plan’s proposed mobility hub network and near existing multimodal facilities and services such as the San Luis Rey River Trail, BREEZE bus network, and the SPRINTER corridor. The transportation study conservatively assumed zero percent of the users would utilize transit to reach the site despite the project site’s proximity to transit opportunities. The project’s implementation of strategies such as on-site transit information, car-pool matching, and the provision of bike racks, is intended to reduce the number/distance of automobile trips generated by residents of the project, but were not considered as quantifiable mitigation to address the project’s significant residential VMT impact.

OSIDE KAMP
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centerJohnson + cutler
ARCHITECTS
1000 17th St, Suite 1000
Denver, CO 80202
303.733.1111
www.cjca.com

DATE: 11/11/11
SCALE: 1/8" = 1'-0"
SHEET: 122 OF 122
PROJECT: OSIDE KAMP
DRAWN BY: JAC
CHECKED BY: JAC

122

01 L.A. AQUA PLAN - A.A. -
REFERENCE NOTES SCHEDULE

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	11/11/11	JAC	JAC
2	ISSUED FOR PERMIT	11/11/11	JAC	JAC
3	ISSUED FOR PERMIT	11/11/11	JAC	JAC
4	ISSUED FOR PERMIT	11/11/11	JAC	JAC
5	ISSUED FOR PERMIT	11/11/11	JAC	JAC
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49	ISSUED FOR PERMIT	11/11/11	JAC	JAC
50	ISSUED FOR PERMIT	11/11/11	JAC	JAC

O'SIDE KAMP
 OCEANSIDE, CA 92058
 O'Side Partnership, LLC.
 carljohnson + cultura

12.3
 ENLARGED LANDSCAPE ARCHITECTURE PLAN
 11/15/2017

01 ENLARGED PLAN
11/15/17

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1	ASPHALT DRIVE	11	WOOD MULCH
2	CONCRETE DRIVE	12	WOOD MULCH
3	CONCRETE DRIVE	13	WOOD MULCH
4	CONCRETE DRIVE	14	WOOD MULCH
5	CONCRETE DRIVE	15	WOOD MULCH
6	CONCRETE DRIVE	16	WOOD MULCH
7	CONCRETE DRIVE	17	WOOD MULCH
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02 ENLARGED PLAN
11/15/17

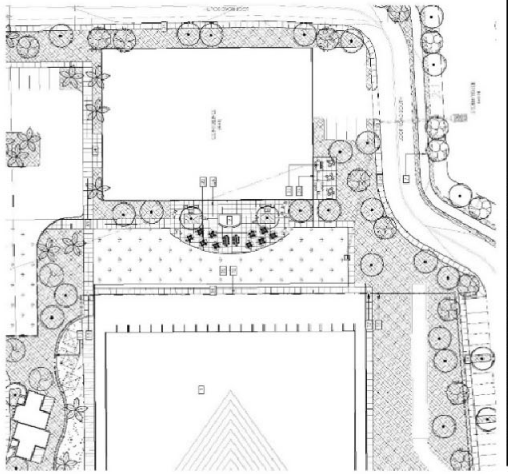
KEY PLAN

1" = 200' SCALE

0 30 60

NORTH

OSIDE KAMP
 OCEANSIDE, CA 90308
O'Side Partnership, LLC.
 CARTERJOHNSON + CULTURA



DATE: 08/11/2023
 PROJECT NO: 23-0001
 SHEET NO: 02
 SCALE: 1/8" = 1'-0"
 DRAWN BY: JACOB
 CHECKED BY: JACOB
 PROJECT: OSIDE KAMP
 LOCATION: OCEANSIDE, CA
 CLIENT: O'SIDE PARTNERSHIP, LLC



L2.4



01 ENLARGED PLAN - CARAVAN VILLAGE

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION
01	1" X 1" SQUARE
02	2" X 2" SQUARE
03	3" X 3" SQUARE
04	4" X 4" SQUARE
05	5" X 5" SQUARE
06	6" X 6" SQUARE
07	7" X 7" SQUARE
08	8" X 8" SQUARE
09	9" X 9" SQUARE
10	10" X 10" SQUARE
11	11" X 11" SQUARE
12	12" X 12" SQUARE
13	13" X 13" SQUARE
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100	100" X 100" SQUARE

	<p>F-5 (cont.) The project will also commit to coordination with North County Transit District (NCTD) to offer bus shelter improvements along Mission Avenue for Route 303. Further, to address VMT impacts associated with residential uses, Mitigation Measure TRA-1 requires the following:</p> <p>LUT-9 Improve Design of Development: Includes improved design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments. This measure is applicable for residential projects in an urban or suburban area.</p> <p>The project’s VMT reduction associated with LUT-9 is calculated to be 11.7%. This mitigation exceeds the project’s 6.68% VMT impact and is therefore considered sufficient to reduce the project’s residential VMT impact to less than significant.</p> <p>F-6 As shown on Sheet L3.0, provided following this page, the Project will provide a robust internal pedestrian circulation system that links to the pedestrian/bike trail along the San Luis Rey River at Foussat Road. Section 4.0 of the EIR also contains information regarding Pedestrian sidewalks. Additionally, Sheet L3.0 and Section 4.0 of the local transportation study (Appendix D of the SEIR) show that Class II bike lanes are provided on Canyon Drive, Benet Drive, Douglas Drive and Mission Avenue. No bike lanes are provided on SR-76, Loretta Street, Foussat Road, or Airport Road. As shown on Sheet L3.0 and described in the EIR, mobility hubs are also provided by the Project. These hubs provide amenities to facilitate pedestrian and bicycle access as well as connections to local transit. Section 4.3 of the EIR contains information on local transit routes 303, 309 & 313.</p> <p>F-7 As disclosed in the Draft SEIR, by achieving the City’s GHG emissions threshold of 3.5 Metric Tons of CO₂e per service population per year¹ the project would not conflict with the GHG reduction goals of the City’s CAP.</p>
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¹ Oceanside, City of. 2019. Planning Division Policy Directive 2018-01 (Revised) (CEQA GHG Impact Analysis: Thresholds of Significance). November 6.

	<p>F-7 (cont.) The project applicant has also committed to implementing several measures consistent with the City CAP checklist. On August 5, the City Council adopted new zoning ordinances which implement new standards for renewable energy facilities, electric vehicle parking and charging facilities, urban forestry, and transportation demand management. The Adoption of these standards effectuates the CAP Consistency Checklist.² Because the project application was submitted to City on August 29, 2019, prior to adoption of the CAP Checklist ordinances, the new ordinances are not applicable to the project. The applicant’s efforts to be compliant with the CAP are a voluntary and good faith effort to assist the City in meeting the Climate Action Goals outlined in the adopted CAP.</p> <p>F-8 The City’s Traffic Impact Analysis Guidelines recommend the SANDAG Mobility Management Guidebook, 2019, and the California Air Pollution Control Officers Association’s (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures, August 2010 may be utilized to determine applicable mitigation measures and to calculate the associated percent reduction in VMT.</p> <p>The CAPCOA measure LUT-9: Improve Design of Development, was identified as a measure that would reduce the project’s residential VMT as calculated using the SANDAG Series 13 Year 2020 Travel Demand Model, thereby mitigating the project’s significant transportation impact. This measure was selected since the project’s features, specifically the mixed-use nature which will enhance connectivity and walkability, meet the measure’s description and applicability criteria. A brief description of CAPCOA measure LUT-9 is provided below.</p> <p><i>LUT-9 Improve Design of Development: Includes improved design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments. This measure is applicable for residential projects in an urban or suburban area.</i></p>
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² Oceanside, City of. 2020. Staff Report: Consideration of Zoning Ordinance Text Amendments. August 5.

	<p>F-8 (cont.) Per the CAPCOA guidelines, the VMT reductions for measure LUT-9 are calculated based on a comparison of a project's proposed intersection density versus the standard suburban intersection density in North America, which is 36 intersections per square mile. This standard density is used as a baseline to mirror the density reflected in the ITE Trip Generation Manual, which is generally one of SANDAG's baseline methodologies for determining VMT.</p> <p>The project site is located on approximately 92-acres, which equates to approximately 0.14 square mile. The conservative estimate of ten intersections within the project site equals 71 intersections per square mile. Based on this information, the corresponding VMT reduction was calculated using the CAPCOA methodology for LUT-9.</p> <p>The project's residential VMT reduction associated with LUT-9 is calculated to be 11.7%. This mitigation exceeds the project's 6.68% VMT impact and is therefore considered sufficient to reduce the project's residential VMT impact to less than significant. The VMT analysis shows the CAPCOA VMT calculations and relevant excerpts from the CAPCOA report.</p> <p>F-9 This is a general comment regarding the adequacy of the City's CAP, which is a qualified CAP pursuant to CEQA Guidelines Section 15183.5, and subject to separate CEQA review prior to City adoption. The commenter does not provide examples of which provisions of the CAP are of concern and does not provide evidence in support of the assertion that the City is not in compliance. Please also refer to F-7. No further response is warranted.</p> <p>F-10 Refer to page 1-3 of the Draft SEIR. During City Council consideration of The Pavilion at Oceanside, the 88.3-acre Reduced Project/Draft Subarea Plan Alternative was approved for implementation as the Environmentally Preferred project. Therefore, the entirety of the Draft SEIR is analyzed as a supplement to the Reduced Project/Subarea Plan Alternative included in the Pavilion FEIR. Section 5.1.3 of the EIR describes how the project is consistent with this alternative (i.e., the Reduced Project/Subarea Plan Alternative analyzed in the Pavilion EIR) and does not result in additional impacts or mitigation requirements beyond the Reduced Project/Subarea Plan Alternative.</p>
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COMMENTS

RESPONSES

F-10 cont. Page 150 says this alternative was designed to address the impacts to Biological Resources as recommended by the Scientific Review Panel (SRP), and that the applicant is “willing to comply.” Where is the analysis of alternatives that now includes this new alternative- we did not find it in the SEIR? Furthermore, the specific recommendations of the SRP are not included so cannot be evaluated.

F-11 - Bio mitigation measures do not clearly incorporate all of the development guidelines in the SAP and MHCP
 The SAP section 5.2.8 describes protections that must be in place during development, and the role of the project biologist. The MHCP Vol II Appendix B Standard Management Practices also includes detailed guidelines, only part of which have been addressed. Please clarify how all of these provisions have been addressed and incorporate this in mitigation measures.

F-12 - Protection of wildlife movement corridor
 The analysis specifically says the project is not in compliance with SAP requirements for wildlife corridor width. It concludes that the impacts are significant and unmitigated. We do not see where this is addressed in final conclusion or properly addressed in overriding considerations. It does not seem like this has been properly reflected in the SEIR.

F-13 **Transportation**
 - Need to justify VMT reduction calculation
 The project calculated that design features will reduce VMT by 11.7%. Under the guidelines “design features “can reduce VMT from 3-21.3%. Please justify the assumption that the specific design features included will result in the reduction that is claimed. Exactly which design features are included in the VMT reduction calculation and what is the value of each?

F-14 **Greenhouse Gas**
 - GHG not properly evaluated for the life of the project.
 Certainly, the hotel and residential components of this project have a life of much greater than 30 years as was assumed in the calculations. The SEIR concludes the project meets the threshold as the project achieves 3 MT/SE in 2024, the year it becomes operational and the goal is 3.5 MT/SE. However, the threshold for 2030 is 2.7 MT/SE. Even at the assumed project life of 30 years the project will exceed the threshold for at least 24 of its 30 years. Cumulative impacts have not been reduced for the life of the project and this remains a significant adverse impact.

F-15 - Errors in MT/service population calculation
 It appears this computation was worked in reverse. It used project trips and identified that commercial /employee trips accounted for 19% of total trips. It then arbitrarily determined there would be 2 trips for that proportion of the service population and then divided the trips by 2 to determine the SE. We have seen numerous ways to calculate service population- but never one

F-11 The project is consistent with the Reduced Project/Draft Subarea Plan Alternative. Many of the MHCP Vol II Appendix B Standard Management Practices apply to ground disturbance activities and were implemented during the previously approved and completed grading operations associated with the Pavilion project. The remaining applicable guidelines and practices will be implemented as part of the standard best management practices required through the Stormwater Pollution and Prevention Plan, through the biological resources permitting process, and through applicable Mitigation Measures BIO-1 through BIO-13, which are outlined in Section 5.1 of the SEIR and contained in the MMRP.

F-12 The comment misstates the SEIR discussion of the wildlife corridor. As discussed in response to comment F-10 above, during City Council consideration of The Pavilion at Oceanside, the 88.3-acre Reduced Project/Draft Subarea Plan Alternative was approved for implementation as the Environmentally Preferred project (see page 13 of the Draft SEIR) to ensure compliance with the SAP recommendations regarding wildlife corridor width. The project is consistent with that alternative as it relates to the wildlife corridor. Therefore, the proposed project would not conflict with the SAP due to corridor width. The project as currently proposed is consistent with the impacts and mitigation requirements of the SAP. Please also see Response E-7.

F-13 See the response to Comment F-8, above.

F-14 Without any substantiation, the author proposes that the City use a different methodology to evaluate GHG impacts (which, by definition and law, are cumulative in nature). In contrast, the SEIR relies on the methodology established by the City’s formally adopted Climate Action Plan. The commenter is incorrect in asserting that the City’s adopted GHG threshold for the year 2030 is 2.7 metric tons (MT) CO₂e per service population. The City’s CAP establishes an emissions reduction target (not threshold) for 2030 of 2.7 MT CO₂e per service population. As described in the project Air Quality and Greenhouse Gas Emissions

	<p>F-14 (cont.) technical report Section 3.5 (Appendix J of the Draft SEIR), the City has published a Planning Division Policy Directive which establishes GHG emission thresholds for development project’s first operational year GHG emissions that can be used by the City to determine whether the GHG emissions from a development project would be cumulatively considerable in consideration of the GHG reduction Target established in the City’s CAP.³ Because the project would be operational in 2024 (after 2020 and before 2030), the SEIR cumulative GHG impact analysis correctly relies on the methodology and 3.5 MT CO₂e pers service population threshold established by the City to achieve the GHG reduction targets in their adopted Climate Action Plan, a qualified CAP pursuant to CEQA Guidelines Section 15183.5. It is standard practice that operational emissions (for both criteria pollutants and GHGs) are quantified for the first full year a project is anticipated to be operational. Due to advancements in technology and increasingly stringent regulatory requirements, the first year of a project’s operation is typically the most emissions intense. Increasing vehicle emissions standards combined with fleet turnover result in an overall reduction to mobile source emissions. Emissions related to water and energy demand are also reduced over time as California strives to achieve the targets of the renewables portfolio standard. Though the threshold may decrease over time in line with the established GHG reduction targets, so too would the operational emissions.</p> <p>F-15 The service population of the project was not arbitrarily determined. As described in Section 3.5 of the Air Quality and Greenhouse Gas Emissions Technical Report (Appendix J of the Draft SEIR), the City of Oceanside Planning Division Policy Directive 2018-01 (CEQA GHG Impact Analysis Thresholds of Significance) defines service population for the purposes of greenhouse gas emissions project impact analysis where the City is the lead agency:⁴</p>
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³ Oceanside, City of. 2019. Planning Division Policy Directive 2018-01 (Revised) (CEQA GHG Impact Analysis: Thresholds of Significance). November 6.

⁴ Oceanside, City of. 2019. Planning Division Policy Directive 2018-01 (Revised) (CEQA GHG Impact Analysis: Thresholds of Significance). November 6.

F-15

(cont.)

In the context of development projects, “service population” is generally defined as the sum total of those who live, work, and/or visit the project site in the course of a year. Fundamentally, “service population” includes those who travel to and from the project site and utilize on-site resources that result in GHG emissions. For certain project with unique attributes, it may be necessary to develop a project-specific definition of “service population.”

For a development project in the jurisdiction of the City of Oceanside, which includes a resort hotel, visitors/customers for the project would clearly be categorized as “those who travel to and from the project site and utilize on-site resources that result in GHG emissions.” The commenter does not suggest an alternate service population or provide evidence that the service population used in the SEIR GHG analysis is incorrect. The commenter states opinion that the assumption of 2 trips per employee or visitor per day is “way too low.” The commenter does not provide any evidence that 2 trips per day is an unreasonable assumption. The commenter is likely correct in the statement that some employees/visitors would make more than 2 trips per day, resulting in higher trips per service population. However, the commenter does not recognize that some employees/visitor trips would have more than 1 person in the vehicle, resulting in fewer than 2 trips per day per service population. The SEIR used project specific information (the project trip generation calculated by the traffic study) and reasonable assumptions to estimate service population for the project, as defined by the City, and correctly applied the service population in determining the significance of the project’s GHG emissions impacts. No further response is warranted.

COMMENTS

RESPONSES

F-15 cont. that went from a percentage of total trips and then assumed 2 trips/employee to come up with the employee count. Hotels base employee estimates on number of rooms. The wave component of this project is unusual and should have used actual number of employees for comparable facilities. Furthermore, 2 trips /each of this portion of the service population seems completely random and way too low. Of course each employee visitor is going to account for a minimum of 2 trips(one coming and one going) Furthermore it is common for hotel visitors to make multiple trips/day. There could be some adjustment for use of alternative transportation, but that should specifically be addressed in the calculations. These calculations need to start from a reasonable estimate of service population which has not been done. Only when, these numbers can be verified can it be determined if the project meets the required threshold of MT/SE.

Water Use

F-16 Water accounts for a substantial amount of energy use and is a limited resource. While Oceanside has plans to become water independent, that does not mean we can be wasteful, or ignore the GHG impacts of excessive water use. Further analysis of water use, reduction opportunities, and impact on GHG is needed.

Cumulative Impacts

- Housing and affordability

F-17 We did not see any discussion of housing affordability or how this project is consistent with the recently adopted eight year Housing Element (HE) of the General Plan. Please clarify how this project will comply with affordable housing requirements and its consistency with the broader housing issues in the city and its adopted HE.

- Failure to evaluate impact on job/housing ratio

F-18 The Pavillion project was 100% job producing and thereby improved Oceanside’s job/housing ratio. This project has both reduced the number of jobs and added 700 housing units. This moves us the opposite direction of what is needed for long term sustainability. This impact needs to be discussed in the SEIR.

Conclusion

F-19 The SEIR for the Ocean Kamp Project has not addressed all of its potential impacts below a level of significance. Further analysis and mitigation of these impacts is required.

Thank you for your consideration of our comments.

Sincerely,

Diane Nygaard, President
On Behalf of Preserve Calavera

F-16 The assessment of water use and GHG emissions resulting from water use and wastewater generation was adequately and appropriately evaluated. Project water use and wastewater generation, including established regulatory water efficiency requirements, was evaluated in the project Water System Analysis (Appendix G to the SEIR).⁵ The GHG emissions resulting from water and waste water generation were evaluated in the Draft SEIR, and are detailed in the Air Quality and Greenhouse Emissions technical report (Appendix J to the SEIR, Sections 3.4.2.5 and 3.6.1.2, which concluded that the project would result in less than significant impacts related to GHGs emissions, including emissions from water use and wastewater generation.

F-17 Please refer to Response E-5 above.

F-18 According to the Economic analysis, of the \$170.1 million in direct industry output, approximately \$59.7 million will be received by construction employees in the form of salary, wages, and benefits. Indirect and induced employee compensation impacts total approximately \$5.5 million, for a total annual employee compensation impact of approximately \$43.8 million. The project would be generating a net positive economic outlook. With regards to jobs-to-housing ratio, pursuant to CEQA Guidelines §15064(e) and 15131, an EIR need not address economic or social changes unless the change would result in a significant physical environmental impact. It is unclear from the comment how a 100% jobs producing project would reduce significant impacts associated with the proposed project or be more sustainable; however, Chapter 8.0 of the SEIR does analyze the No Project alternative, which includes no residential uses.

Preserve Calavera

5020 Nighthawk Way – Oceanside, CA 92056

⁵ Dexter Wilson Engineering, Inc. 2020a. Water System Analysis for the Ocean KAMP Project. December 21.

COMMENTS

RESPONSES

F-19	As described in these responses to comments, impacts associated with the proposed project have been adequately addressed in the SEIR and no additional analysis or mitigation is required to address project impacts.
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COMMENTS

RESPONSES

From: Lisa Madsen <Lisa.Madsen@sandag.org>
Sent: Thursday, October 7, 2021 3:42 PM
To: Sergio Madera
Cc: Eva Sanchez
Subject: Public Comment - Oceanside KAMP Draft Supplemental EIR

Good afternoon,

Thank you for the opportunity to comment on the City of Oceanside’s Ocean KAMP Project. SANDAG appreciates the city’s efforts to advance mixed-use developments in alignment with SANDAG regional planning efforts. The project is located within the 2021 Regional Plan’s proposed mobility hub network and near existing multimodal facilities and services such as the San Luis Rey River Trail, BREEZE bus network, and the SPRINTER corridor. Integrating mobility hub features into the development will help ensure residents and visitors can travel to the beach, local retail sites and restaurants, and other local attractions without relying on a private vehicle.

In finalizing the EIR, SANDAG recommends including the following services, amenities, and improvements into the SEIR to further encourage multimodal trips and reduce project impacts such as traffic congestion and vehicle miles traveled:

G-1

- SANDAG commends the project’s proposal to provide e-bike rentals to hotel guests. Please consider expanding e-bike rentals to residents and visitors of the development.
- Consider providing other on-site shared mobility services such as carshare and on-demand shuttles to reduce the need for residents and visitors to drive a personal car while also offering seamless SPRINTER connections.
- To complement the provision of first/last mile services, please integrate passenger pick-up and drop-off spaces throughout the development to ensure safety and minimize conflicts with other modes. These spaces can also assist with convenient commercial loading and unloading of goods.
- The project proposes short-term and long-term bike parking; when implementing long-term bike parking infrastructure, please consider using secure bike lockers or other group parking solution for a variety of personally owned micromobility devices. Please also consider adding complementary amenities for cyclists, such as e-bike charging, bike repair stations, and showers for employees who bike to work.
- Consider coordinating with NCTD to offer bus shelter improvements along Mission Avenue for Route 303. Bus shelter improvements could include additional seating, lighting, landscaping, etc.
- The project proposes bike and pedestrian routes throughout the project development site. When designing these facilities, please integrate elements that improve safety such as striping, paint, and protective barriers.
- Consider providing and promoting subsidized transit passes to employees and residents.

iCommute can assist with promoting regional Transportation Demand Management (TDM) programs that encourage the use of transportation alternatives and reduce traffic congestion. More information on regional TDM programs is available at www.iCommuteSD.com. For more detailed information on mobility hub services and amenities, please refer to the Mobility Hub Features Catalog at www.sdfoward.com/mobility-planning/regionalMobilityHub.

Lisa Madsen (she/her/hers)
 Senior Regional Planner

619.595.1432 office
 401 B Street, Suite 800, San Diego, CA 92101

G-1

This comment correctly notes that the project is located within the 2021 Regional Plan’s proposed mobility hub network and near existing multimodal facilities and services such as the San Luis Rey River Trail, BREEZE bus network, and the SPRINTER corridor. It is acknowledged that this comment recommends the integration of mobility hub features into the development to help ensure residents and visitors can travel throughout the region without relying on a private vehicle. As shown on Sheet L3.0 provided after response F-6, the Project proposes two on-site and one off-site mobility hub. The mobility hubs are designed to accommodate electric vehicle charging, e-bike parking, storage and rentals, public transit information, as well as the potential to accommodate driverless electric vehicles that may come to the market. The project does not propose the inclusion of carshare services, subsidized transit passes, or on-demand shuttle service as suggested by this comment, but such TDM strategies are not precluded from being implemented in the future. The project will commit to coordination with NCTS to offer bus shelter improvements along Mission Avenue for Route 303.

SANDAG Pursuing a brighter future for all



Learn about our [commitment to equity](#)
SANDAG [office hours](#) are Tuesday – Friday and every other Monday from 8 a.m. – 5 p.m.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

30 September 2021

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

Subject: Draft Supplemental Environmental Impact Report
 Ocean Kamp
 Tentative Map T19-00004, Development Plan D19-00016, and
 Conditional Use Permit CUP19-00021

Dear Mr. Madera:

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

Based on the information contained in the DSEIR, we have the following comment:

It appears that the Ocean Kamp project does not address cultural resources, considering that the cultural resources mitigation measures already completed for the earlier project have mitigated all potential impacts for the current project, Ocean Kamp. However, the details of that earlier work are not disclosed, so a reviewer has no knowledge of what, if any, cultural resources were encountered and how any impacts were assessed and, presumably, mitigated. The inclusion of a cultural resources technical report would normally have reported that and provided the necessary public disclosure of the previous work to justify the position that no further efforts are required. The absence of such a report makes that position unsupported. A cultural resources appendix to this DSEIR is required to comply with CEQA disclosure requirements.

Please provide that report for our review.

Thank you for your consideration of the above concern and comment.

Sincerely,

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

cc: SDCAS President
 File

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

H-1

H-1

Because the limits of ground disturbance have not changed, no additional impacts beyond those identified in the Pavilion EIR will occur. Therefore, the previously approved mitigation monitoring and reporting program (MMRP) remains in effect. As required by that MMRP, monitoring has been implemented through all phases of the earthwork efforts to date. Native American participation by the San Luis Rey Band of Mission Indians has continued through all phases of study and monitoring work, including data recovery excavations. Pursuant to the MMRP, a final mitigation monitoring technical report will be prepared upon completion of all earthwork and any remaining archaeological laboratory processing of collections and associated analyses. No interim technical report or mitigation is needed to address cultural resources impacts on the project site.



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Mitchell M. Tsai
 Attorney At Law

139 South Hudson Avenue
 Suite 200
 Pasadena, California 91101

VIA E-MAIL

October 8, 2021

Sergio Madera, Principal Planner
 City of Oceanside, Planning Division
 300 N. Coast Highway
 Oceanside, CA 92054
 Em: smadera@oceasideca.org
planningstaff@oceasideca.org

RE: Ocean KAMP Project (SCH No. 2006111033) – Comments on Draft Supplemental Environmental Impact Report

Dear Sergio Madera,

On behalf of the Southwest Regional Council of Carpenters (“**Commenters**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Oceanside’s (“**City**” or “**Lead Agency**”) Draft Supplemental Environmental Impact Report (“**SEIR**”) (SCH No. 2006111033) for the proposed Ocean KAMP Project (“**Project**”).

The City proposes to adopt the Project, which calls for the development of a 92 acre space located at 3480 Mission Avenue, Oceanside, CA 92504. The development would include 36 acres of commercial space (including a 300-room resort, conference buildings, a surf lagoon, a beach club, and 126,000 square feet of office, retail, and restaurant space); 36 acres of residential uses to accommodate a maximum of 700 dwelling units; and 20 acres of open space with a 4-acre wildlife corridor. The Project is proposed to be built on a site previously proposed for the commercial-use-only Pavilion project, for which a Final Environmental Impact Report was certified. Aside from the Project’s addition of residential and resort uses, the Project differs from the Pavilion proposal in that it would require, *inter alia*, 300,000 additional cubic yards of imported fill material, lower maximum building heights, 1,893 fewer parking spaces, 91,000 square feet of biofiltration swales, and 189% more landscaping. Among other things, the Project would require the City to approve a tentative map, a conditional use permit for hotel uses and mixed-use development, a development plan, an underground utilities waiver, and a street vacation.

I-1

I-1

This comment is introductory in nature and summarizing more specific comments to follow. This comment also requests the City continue to provide notice to the commenter for any project related issues. The City will include commenter on any further notices related to the project. For responses to specific comments introduced, please see responses below. No further response to this comment is necessary.

City of Oceanside – Ocean KAMP Project SEIR
 October 8, 2021
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The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

I-1
 cont.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“CEQA”), Cal Public Resources Code (“PRC”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

I-2

I-2

Pursuant to CEQA Guidelines §15064(e) and 15131, an EIR need not address economic or social changes unless the change would result in a significant physical environmental impact. The assessment of GHG emissions was adequately and appropriately evaluated, as disclosed in the Draft SEIR that concluded that the project would result in less than significant impacts related to GHGs. It is recognized that hiring local labor could reduce worker trip distance and associated GHG emissions, but no additional mitigation is required.

City of Oceanside – Ocean KAMP Project SEIR
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I-2
 cont.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, available at <https://laborcenter.berkeley.edu/wpcontent/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for

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I-2
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Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to

Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, available at <http://www.aqmd.gov/docs/defaultsource/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, available at https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, available at <https://www.haywardca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, available at <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

I-2
cont.

↑ those held by local residents.⁷ Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

I-3

The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals.

I. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

I-4

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“CCR” or “CEQA Guidelines”) § 15002(a)(1).⁸ “Its

⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, available at <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

⁸ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 *et seq.*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

I-3 The project will be built consistent with the requirements of the CAP and the applicable Building Code requirements in place at the time of permitting and no environmental impacts related to this issue will occur.

I-4 This comment provides general background information on CEQA and case law and raises no specific project environmental issues. No further response is necessary.

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purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

I-4
 cont.

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A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

Significant new information includes “changes in the project or environmental setting as well as additional data or other information” that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*

I-4
 cont.

COMMENTS

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I-4
cont. ↑ An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

C. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

I-5 ↓ Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁹

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project’s construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

I-5 Construction and operational activities at the project site will be conducted in compliance with state, federal, and local regulations in place regarding COVID-19 and workplace safety at the time construction and operation will occur. As this is not a specific CEQA related threshold and the project is not anticipated to substantially contribute to increased health risk pursuant to CEQA Guidelines 15065(a)(4), no impact will occur and no project specific mitigation is required.

⁹ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

In particular, based upon SWRCC’s experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.

I-5
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cont.

- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.¹⁰

¹⁰ See also The Center for Construction Research and Training, North America’s Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S

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I-5
cont.

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

D. The DEIR’s Project Description is Not Accurate, Stable, and Finite

“[A]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient” environmental document. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 200.) “A curtailed or distorted project description may stultify the objectives of the reporting process” as an accurate, stable and finite project description is necessary to allow “affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance. (*Id.* at 192 – 93.) Courts determine *de novo* whether an agency proceeded “in a manner required by law” in maintaining a stable and consistent project description. (*Id.* at 200.)

I-6

A project description fails for not including sufficient detail when there is not enough information provided to accurately evaluate the project’s environmental impacts. Here, the SEIR’s project description is not accurate, stable, or finite, thus undermining much of the subsequent analysis in the SEIR. The project description calls for a “maximum” of 700 multi-family dwelling units without committing to any specific type of housing or plan. “Building types may include attached or detached townhomes/row homes, apartments, condominiums, and/or senior housing.” (SEIR, 2.7 – 2.8.) The SEIR does not adequately describe the residential buildings which will be built, only speculating as to the ultimate development in the area. Ambiguity and uncertainty regarding the final use of the areas covered by the Project undercuts the SEIR’s analysis of the Project’s environmental impacts.

An EIR must be “prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (*Dry Creek Citizens Coalition*

Constructions Sites, available at https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

I-6

This comment includes the author’s characterization of CEQA requirements related to project descriptions and claims that the project description is not accurate, stable, or finite. CEQA merely requires that an environmental document disclose the main features of a project, rather than all of the details or particulars. The law also permits a CEQA document to include some project components in more depth than others. The Project Description provided in the EIR is accurate, stable, finite, and developed at the appropriate level of detail to support the residential tentative map application and other discretionary actions proposed. The location and types of units, including design and architectural features, density by lot, landscaping, open space requirements and expected parking are described thoroughly throughout the Project Description. This description of the residential uses is consistent and stable throughout the supporting technical reports and the analyses presented throughout the EIR.

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I-6
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v. County of Tulare (1999) 70 Cal.App.4th 20, 26.) An EIR's description of the project should identify the project's main features and other information needed for an assessment of the project's environmental impacts. (*Citizens for a Sustainable Treasure Island v City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1053.) The DEIR does not meet CEQA's requirements for an adequate project description.

E. The SEIR Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the SEIR but found to be insignificant with or without mitigation in the SEIR's analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1; see also *Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

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I-8

1. *The SEIR Fails to Support its Findings on Greenhouse Gas and Air Quality Impacts with Substantial Evidence.*

I-7

This comment provides general information related to CEQA's requirement that an EIR's analysis be supported by substantial evidence. It does not raise any specific comments related to the analysis of the project in the Draft SEIR. No further response is necessary.

I-8

The comment addresses the City's CAP and is unrelated to the proposed project and provides no remarks on the CEQA adequacy of the Draft SEIR. No further response is warranted.

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CEQA Guidelines § 15064.4 allow a lead agency to determine the significance of a project’s GHG impact via a qualitative analysis (e.g., extent to which a project complies with regulations or requirements of state/regional/local GHG plans), and/or a quantitative analysis (e.g., using model or methodology to estimate project emissions and compare it to a numeric threshold). So too, CEQA Guidelines allow lead agencies to select what model or methodology to estimate GHG emissions so long as the selection is supported with substantial evidence, and the lead agency “should explain the limitations of the particular model or methodology selected for use.” CEQA Guidelines § 15064.4(c).

CEQA Guidelines sections 15064.4(b)(3) and 15183.5(b) allow a lead agency to consider a project’s consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) make clear qualified GHG reduction plans or CAPs should include the following features:

- (1) **Inventory:** Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);
- (2) **Establish GHG Reduction Goal:** Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
- (3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (4) **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- (5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

I-8
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I-8
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 Collectively, the above-listed CAP features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

I-9
 Here, the SEIR’s analysis of Air Quality and GHG impacts is unsupported by substantial evidence, as it relies on outdated modeling. The SEIR’s analysis of Air Quality and GHG impacts throughout the SEIR relies on data created using CalEEMod version 2016.3.2. (See SEIR, Air Quality and Greenhouse Gas Technical Report, 12-13, 32). A newer version of this software (currently CalEEMod version 2020.4.0) became available prior to the release of the SEIR. The SEIR provides no discussion or justification for use of the outdated 2016 version of the software. The use of outdated modeling software may result in underestimation of the Project’s GHG emissions, calling the SEIR’s conclusions into question.

The SEIR’s reliance on inaccurate modeling also affects its analysis of air quality impacts and transportation impacts. The SEIR potentially vastly undercounts the Project’s air pollutant emissions.

2. The SEIR Fails to Support with Substantial Evidence its Findings Regarding Lighting Impacts

I-10
 ↓
 The SEIR’s analysis of the Project’s impacts on lighting and glare are inadequate. The SEIR relies on project design features and regulatory compliance to conclude that there will be a less-than-significant impact on additional light and glare caused by the Project; however, compliance with regulations does not automatically result in a less-than-significant impact.

A determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal.App.4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide

I-9
 The comment is correct that a newer version (2020.4.0) of CalEEMod is available and the analysis contained in the Draft SEIR relied on a previous version (2016.3.2). CalEEMod version 2020.4.0 became available on June 1, 2021, which was after the completion of the May 2021 Air Quality and Greenhouse Gas Technical Report included as Draft SEIR Appendix J. Some of the updates that alter the model defaults included in the 2020.4.0 version of CalEEMod include the following:

- CARB’s EMFAC2017 data was incorporated;
- The 2019 update to Title 24 was incorporated; and
- Utility intensity factors for greenhouse gases were updated.

These updates, while bringing CalEEMod current with the latest methods and regulations, also result in generally lower emissions estimates. By utilizing version 2016.3.2, the analysis contained in the Draft SEIR is conservative.

I-10
 As described in the Project Description of the SEIR, the project will include the use of light emitting diode (LED) light fixtures in the parking lots (both on poles and under carport structures) for visibility and safety lighting. All project lighting would be hooded and designed to prevent light spillover. Lighting along roadways, as well as interior paths and community walkways, would be designed to emphasize pedestrian scale and orientation, as well as lighting for safety. For example, pathway lighting would be approximately three feet in height, focused to show the path and adjacent landscaping, and spaced so that all pathway portions are illuminated for pedestrian safety. All lighting is required to adhere to City’s strict Municipal Code Light Pollution Ordinance, the intent of which is to restrict the permitted use of certain light fixtures emitting undesirable light rays into the night sky and provides the requirements for lamp source and shielding of light emissions for

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I-10
 cont. ↑ Regulation. There is no analysis in the SEIR connecting the effect of compliance with regulatory requirements such that the impacts could be determined to be less than significant. The SEIR and its appendices do not include any lighting study. The City is essentially requesting a good-faith assumption that regulatory compliance will serve as a backstop without fully analyzing the impact or developing any mitigation measures. The City must identify potential impacts and mitigations; sufficiency cannot be assumed based on compliance alone.

3. The SEIR Fails to Analyze the Impact the Project's Proximity to an Airport Will Have on People Residing or Working in the Project Area

The SEIR itself notes that its significance criteria are based on CEQA Guidelines, Appendix G (“**Appendix G**”). (See, e.g., SEIR, 4.5-6 – 4.5-7.) Item XIII(c) of Appendix G states:

“For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?”

(CEQA Guidelines, Appendix G, § XIII(c).) The SEIR recognizes that the Project is located within 0.5 miles of the Oceanside Municipal Airport, (SEIR, 4.3-3) and that it is subject to the Oceanside Municipal Airport Land Use Compatibility Plan. (SEIR, 4.3-5.) However, the SEIR fails to include any discussion regarding the potential noise impacts the proximity to the Oceanside Municipal Airport might have on future residents and occupants of the Project. These potential impacts should be analyzed, and the SEIR should be revised.

F. The SEIR Improperly Labels Mitigation Measures as “Project Design Features”

The SEIR improperly labels mitigation measures for “project design features” or “construction practice requirements” which the SEIR purports will reduce environmental impacts. (See, e.g., SEIR, 4.1-6 – 4.1-7 (Aesthetics – Conflict with Scenic Quality Regulations); SEIR, 4.1-8 (Aesthetics – Light and Glare); SEIR, 4.2-11 – 4.2-12 (Land Use and Planning – Consistency with Energy and Climate Action Element); SEIR, 5.1-16 (Hydrology); SEIR, 5.2-2 (Energy – Construction Energy Demand.) Many of the SEIR’s conclusions regarding mitigation of environmental impacts below

I-10 (cont.) outdoor light fixtures. Project compliance with this ordinance will reduce any potential for substantial sources of light to pollute the night sky or adjacent properties. Additionally, potential indirect light impacts were analyzed regarding wildlife along the eastern Project boundary. However, the required 100-foot wide open space corridor along the eastern boundary further minimizes this potential light nuisance/habitat impact. No additional lighting impacts have been identified that would require mitigation.

I-11 While the project site is located across the street from Oceanside Municipal Airport, the site is not within a mapped Noise Exposure Range, as depicted on Exhibit III-1, Compatibility Policy Map: Noise, of the Oceanside Municipal Airport Land Use Compatibility Plan. As such, the project site would be subject to aircraft noise less than 60 CNEL. This would be below the 65-CNEL exterior noise limit at the site. As traditional architectural materials generally attenuate noise levels by at least 15 CNEL, interior noise levels from aircraft noise would be below the applicable 45-CNEL interior noise limit for residential uses. The project would therefore not expose people residing or working in the project area to excessive noise levels from aircraft.

I-12 Design features that are inherent to the Project Description and/or required existing Municipal Code or other regulatory requirements are Conditions of Approval that the applicant must demonstrate compliance with throughout project implementation, and are by definition, not mitigation. As such, these features and regulatory requirements can be expected to be implemented as required and need not be included within a Mitigation Monitoring and Reporting Program. However, project design features are included in Section 11.0 MMRP of the Final EIR.

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↑ levels of significance rely on the implementation of these design features or practices, and that as such no additional mitigation is required.

However, it is established that “[a]voidance, minimization and / or mitigation measure’ . . . are not ‘part of the project.’ . . . compressing the analysis of impacts and mitigation measures into a single issue . . . disregards the requirements of CEQA.” (*Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645, 656.)

When “an agency decides to incorporate mitigation measures into its significance determination, and relies on those mitigation measures to determine that no significant effects will occur, that agency must treat those measures as though there were adopted following a finding of significance.” (*Lotus, supra*, 223 Cal. App. 4th at 652 [citing CEQA Guidelines § 15091(a)(1) and Cal. Public Resources Code § 21081(a)(1).])

I-12
cont.

By labeling mitigation measures as project design features, the City violates CEQA by failing to disclose “the analytic route that the agency took from the evidence to its findings.” (Cal. Public Resources Code § 21081.5; CEQA Guidelines § 15093; *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal. App. 3d 1022, 1035 [quoting *Topanga Assn for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515.]

The SEIR’s use of “project design features” and “construction practice requirements” further violates CEQA because such measures would not be included in the Project’s Mitigation Monitoring and Reporting Program CEQA requires lead agencies to adopt mitigation measures that are fully enforceable and to adopt a monitoring and/or reporting program to ensure that the measures are implemented to reduce the Project’s significant environmental effects to the extent feasible. (PRC § 21081.6; CEQA Guidelines § 15091(d).) The “project design features” and “construction practice requirements” should be properly adopted as mitigations and subject to a mitigation monitoring and reporting program under CEQA.

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II. CONCLUSION

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I-13
cont.

Commenters request that the City revise and recirculate the Project’s SEIR to address the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C)

I-13

As described in these responses to comments, no recirculation of the SEIR is required. Any minor modifications made to the SEIR as a result of comments received on the Draft SEIR do not require recirculation as none of the modifications constitute “significant new information” as it is used in Section 15088.5 of the CEQA Guidelines and the case law. As stated in Section 15088.5:

“Significant new information” requiring recirculation, include, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

As such, recirculation of the document is not warranted prior to considering approvals for the project.

COMMENTS

RESPONSES

EXHIBIT A



Technical Consultation, Data Analysis and
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March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

I-14

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model (“CaEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”¹ CaEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.²

I-15

The number, length, and vehicle class of worker trips are utilized by CaEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.³

¹ “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caeemod/home>.

² “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caeemod/home>.

³ “CaEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caeemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

I-14 This comment is a broad introductory statement. The comment provides no remarks on the CEQA adequacy of the Draft SEIR and require no further response.

I-15 The comment provides a description of how CaEEMod calculates vehicle emissions and the default parameters that go into those calculations. The characterization of CaEEMod in this comment is accurate. The comment provides no remarks on the CEQA adequacy of the Draft SEIR and require no further response.

I-15
cont.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.⁴

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$VMT_d = \sum(Average\ Daily\ Trip\ Rate_i * Average\ Overall\ Trip\ Length_i)_n$$

Where:

$$n = \text{Number of land uses being modeled.}^{5}$$

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$Emissions_{pollutant} = VMT * EF_{running,pollutant}$$

Where:

Emissions_{pollutant} = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

EF_{running,pollutant} = emission factor for running emissions.⁶

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.⁷ In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.⁸ The default number of construction-related worker trips is calculated by multiplying the

⁴ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.

⁵ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.

⁶ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

⁷ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

⁸ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.⁹ Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.”¹⁰ Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.¹¹ The operational home-to-work vehicle trip lengths are:

“[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).¹²

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).¹³

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cont.

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	16.47	11.17
Minimum	10.80	10.80
Maximum	19.80	14.70
Range	9.00	3.90

⁹ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

¹⁰ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

¹¹ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.

¹² “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.

¹³ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

I-15
cont.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.¹⁴ In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,623
Amortized Construction GHG Emissions (MT CO ₂ e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,024
Amortized Construction GHG Emissions (MT CO ₂ e/year)	100.80
% Decrease in Construction-related GHG Emissions	17%

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As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

¹⁴ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

I-16 The comment provides an example unrelated to the proposed project and provides no remarks on the CEQA adequacy of the Draft SEIR. No further response is warranted.

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Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

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Comments noted. These statements address the work done by the commenter rather than the Draft SEIR, and as such, require no further response.