

# V1. CHAPTER 3

## DEIR – Individual Responses

This chapter contains the comment letters received from members of the public, including organizations and individuals, on the proposed Coast Highway Corridor Study Project (project) Draft Environmental Impact Report (DEIR) and the City of Oceanside’s (City’s) responses to significant environmental points that were raised in those comments. Each letter and each individual comment within the letter has been given an assigned letter and number for cross-referencing. Responses are sequenced to reflect the order of comments within each letter.

**Table V1.3-1** lists all individuals who submitted comment letters on the proposed project during the public review period.

It should be noted that while the comments below were received on the DEIR, the responses have been crafted based on the most updated information per environmental topic, which could pull from the DEIR or the Partially Recirculated Draft Environmental Impact Report (PRDEIR) or a combination of the two depending on the content of the comment. Specifically, comments related to transportation and traffic, aesthetics, alternatives, and the environmental topics covered by the Errata of the PRDEIR are responded to based on the updated information and revised analyses contained in the PRDEIR. Comments related to all other topic areas are responded to based on the analyses and information included in the DEIR.

**TABLE V1.3-1  
LIST OF INDIVIDUAL COMMENTERS ON THE DEIR**

Letter No.	Commenter	Date of Comment	Comment Page Number	Response Page Number
DEIR I1	Henry and Terri Hawthorn	7/11/2017	V1.3-3	V1.3-5
DEIR I2	Colleen Balch	7/13/2017	V1.3-7	V1.3-8
DEIR I3	John Stump	7/23/2017	V1.3-10	V1.3-47
DEIR I4	Donna Geierman	7/28/2017	V1.3-48	V1.3-50
DEIR I5	Jane McVey	8/7/2017	V1.3-56	V1.3-58
DEIR I6	Steven M. Orme	8/10/2017	V1.3-60	V1.3-62
DEIR I7	Joan Bockman	8/24/2017	V1.3-64	V1.3-69
DEIR I8	Lisa Hamilton	8/24/2017	V1.3-76	V1.3-77
DEIR I9	Arleen Hammerschmidt	8/24/2017	V1.3-79	V1.3-81
DEIR I10	Jane Marshall	8/25/2017	V1.3-83	V1.3-87

**TABLE V1.3-1  
LIST OF INDIVIDUAL COMMENTERS ON THE DEIR**

<b>Letter No.</b>	<b>Commenter</b>	<b>Date of Comment</b>	<b>Comment Page Number</b>	<b>Response Page Number</b>
DEIR I11	Mindy Martin	8/25/2017	V1.3-93	V1.3-94
DEIR I12	Greg and Kathy Sampson	8/25/2017	V1.3-95	V1.101
DEIR I13	Michael Odegaard	8/26/2017	V1.3-103	V1.3-109
DEIR I14	Pete Penseyres	8/27/2017	V1.3-111	V1.3-114
DEIR I15	Mike and Joan Bullock	8/28/2017	V1.3-118	V1.3-121
DEIR I16	Gary Davis	8/28/2017	V1.3-122	V1.3-123
DEIR I17	Bill Fischer	8/28/2017	V1.3-124	V1.3-126
DEIR I18	Nadine L. Scott	8/28/2017	V1.3-128	V1.3-136
DEIR I19	Carolyn Krammer	8/28/2017	V1.3-147	V1.3-148
DEIR I20	Chris Swortwood	8/28/2017	V1.3-150	V1.3-152
DEIR I21	John P. Erskine	8/28/2017	V1.3-155	V1.3-162
DEIR I22	CM Rocco	8/28/2017	V1.3-168	V1.3-174
DEIR I23	Sally Prendergast	8/28/2017	V1.3-182	V1.3-191
DEIR I24	Debra Sutton	8/28/2017	V1.3-203	V1.3-204
DEIR I25	Joel West	8/28/2017	V1.3-205	V1.3-208

Dear Mayor Wood and Members of the City Council,

The Coast Highway Corridor Plan is a great opportunity for needed improvements, especially if it extends to the south to at least Vista Way. However, please consider the following three areas of concern as input for the Coast Highway Corridor Plan Environmental Impact Report.

DEIR I1-1

**Public Safety**

As do other La Salina Mobile Village residents, we go to the beach and back nearly every day, crossing the Coast highway twice each time. When the weather is nice we cross more often. The change to two lanes has slowed traffic, reduced noise and made our crossings much easier and safer.

In the interest of public safety, please include the existing Coast Highway bike lanes from Morse to Oceanside Boulevard and the proposed crosswalk to the Loma Alta Creek beach path in the plan. Adding a crosswalk lined up with, or close to, the Loma Alta Creek beach path would greatly improve pedestrian safety in two ways.

First, it would eliminate unsafe jaywalking that occurs as pedestrians cross the highway to get to and from the beach path. Jaywalking occurs because the only two controlled places to cross are the intersections at Morse and Oceanside Boulevard, both far from the path to the beach.

DEIR I1-2

Second, the crosswalk would encourage people to use the path instead of walking west to the end of Morse, down the dirt bank and across the railroad tracks to Buccaneer Park and the beach. Pedestrian traffic will also increase with the proposed beautification of the creek between the highway and railroad. Crossing the tracks is not only illegal, it is dangerous.

The inclusion of the bike and traffic lanes, as currently configured, and the crosswalk will improve safety and the quality of life for residents of La Salina and surrounding neighborhoods. Importantly, doing so will also provide a safe route for children walking and riding their bikes to school.

With regard to roundabouts at intersections I find them acceptable from a driving standpoint but they must include provisions for safe crossing by pedestrians. Provisions for pedestrian crossing may be in the plan but if not they need to be included.

DEIR I1-3

**Traffic Flow**

At the March 29, 2017, workshop one of the speakers stated that it took an excessive amount of time to enter Coast Highway traffic due to the single lane in each direction. That is not our experience based on entering and leaving La Salina in both directions numerous times over the years. We have entered the stream of cars as we leave the La Salina Mobile Village at those times when vehicles stretch from Morse to Oceanside

DEIR I1-4

Boulevard, often in both directions. It never takes more than a minute or a minute and a half, if that long. The traffic is not always dense but when it is, without fail, someone in traffic yields and lets us in. Granted it may be more difficult in an RV but as the owner of Oceanside RV Park stated, it is not a big problem. The owner of Paradise by the Sea RV Park stated that they have on the order of 3,000 RVs entering and leaving the park each year. That means, on the average since it is a 24/7 year-round business, they have 8 RVs a day entering and leaving. Important too is that the RVs do not all enter or leave at the same time. Check in time is from 2:00 PM to 11:00 PM, a nine-hour window. Check out time is from 7:00 AM to 11:00 AM, a four-hour window. There will be some that leave at a high traffic time but those entering and leaving Oceanside RV Park face the same traffic and, as noted above, the owner stated that it is not a big problem.

↑  
DEIR I1-4

Also, at the same workshop, mention was made that it took 10 minutes to get from “the dip” to Rite Aid at Oceanside Boulevard. I have made the drive from La Salina to Rite Aid numerous times and can tell you that it never has it taken me that long, even at heavy traffic times.

The chart and data provided by resident Mindy Martin (same as requested by Mayor Wood and the City Council) supports the fact that the single lane of traffic in each direction has not resulted in unacceptable travel times. The inclusion of roundabouts could improve travel times.

**Building Heights**

The maximum building height of 65 feet is not acceptable. The height detracts from, as one resident at the workshop described it, the “beachy” look and feel of the Coast Highway and adjacent neighborhoods. Single story construction is much more conducive to keeping the coastal look and feel. In any case, development must not turn the highway, in particular from Vista Way to Oceanside Boulevard, in to a “canyon”.

DEIR I1-5

In closing we would ask that our comments stated above be given serious consideration and included as input for the Coast Highway Corridor Plan Environmental Impact Report. Addressing our concerns will enhance the plan and the resulting development will turn the corridor in to a destination for Oceanside visitors and a place of pride for residents.

DEIR I1-6

Respectfully,

*Henry Hawthorn*  
*Terri Hawthorn*

Henry and Terri Hawthorn  
110 Sherri Lane  
Oceanside, CA 92054

July 11, 2017

**Letter  
DEIR I1  
Response**

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**Henry and Teri Hawthorn  
July 11, 2017**

DEIR I1-001 This comment expresses support of project implementation to at least Vista Way and provides an introduction to the areas of concern described in the following comments below. While this comment does not specifically address the adequacy of the environmental analysis provided in the DEIR, the City appreciates these commenters' support of the proposed project and this comment is included in this Final Environmental Impact Report (FEIR) for consideration by the City prior to a final decision on the project.

DEIR I1-002 This comment expresses the opinion of this commenter that the existing bike lane from Morse to Oceanside Boulevard should remain and a crosswalk should be added at Loma Alta Creek as components of the project to increase public safety along Coast Highway. While this comment does not specifically address the adequacy of the environmental analysis provided in the DEIR, the City appreciates the commenters' suggestions on the design of the proposed project and thus this comment is included in this FEIR for consideration by the City prior to a final decision on the project.

DEIR I1-003 This comment requests that provisions for pedestrian crossings should be incorporated into the design of the proposed roundabouts as a means to increase public safety. The City has prepared 30 percent preliminary engineering design plans as part of the Coast Highway Corridor Study, separate from the Environmental Impact Report (EIR) process. These preliminary design plans include a crosswalk to the Loma Alta Creek beach path and a bike lane from Morse Street to Oceanside Boulevard. Subsequent stages of more detailed design would address specific conditions related to sidewalk and parkway width and curb locations. In response to this comment, the following language has been added into Chapter 2, *Project Description*, of the EIR contained in Volume 3 of this FEIR to provide clarification of the inclusion of pedestrian crosswalks in the proposed roundabouts (also refer to Chapter 2, *Errata*, of Volume 3 of this FEIR):

“Further, key elements of the Complete Streets improvements include a continuous Class II striped bicycle lane from Harbor Drive to the southern city limit, 10 mid-block crosswalks to facilitate safe and convenient pedestrian crossings of the corridor, 12 roundabouts in place of traffic signals where physically feasible and where the intersection traffic volumes support implementation, traffic-calming measures, and streetscape enhancements, such as removing dead trees and replanting trees. The 12 roundabouts would include dedicated, setback pedestrian crosswalks along all roadways leading into the roundabout, as shown in **Figure 2-5**. In combination with the 10

mid-block crosswalks, the proposed project would result in 22 new pedestrian crosswalks along Coast Highway, which would increase pedestrian safety and allow for greater access to the coastal area. These enhancements to the landscaping and roadway would help implement the vision of the corridor established within the Vision Plan.”

DEIR I1-004 This comment explains existing traffic flows and states the commenters’ personal driving times within the project area, especially in South Oceanside. In addition, these commenters emphasize that single travel lanes have not resulted in unacceptable travel times as shown by the chart and data provided by Mindy Martin at a City workshop and states that roundabouts may help to improve travel times. While this comment does not specifically address the adequacy of the environmental analysis provided in the DEIR, the City appreciates the commenters’ input and this comment is included in this FEIR for consideration by the City prior to a final decision on the project.

DEIR I1-005 This comment expresses opposition to the increased building heights of 65 feet and states that future development along Coast Highway should not turn into a “canyon.” As discussed in Section 3.1, *Aesthetics*, of the DEIR and the Partially Recirculated DEIR (PRDEIR), operation of the Incentive District would allow increased height of buildings only in Node areas with discretionary approval up to a maximum of 65 feet compared to the existing limit of 45 feet. The Incentive District would also establish regulations intended to promote high-quality urban and architectural design and variability of massing and height, emphasizing the design of the interface between the private and public realms. Therefore, as projects are submitted to the City for approval under the Incentive District, the City’s planning process would ensure that building heights are varied to avoid a “canyon” effect in the Node areas.

DEIR I1-006 This conclusory comment requests that the areas of concern described in the comments above be included as part of the EIR and be considered prior to final decision on the project. The City appreciates this commenter for participating in this process and this comment is included in this FEIR for consideration by the City prior to a final decision on the project.

**Comment Letter DEIR I2**

**From:** COLLEEN COLLEEN [mailto:mschief1132@sbcglobal.net]  
**Sent:** Thursday, July 13, 2017 11:54 AM  
**To:** John Amberson  
**Cc:** Michelle Skaggs Lawrence  
**Subject:** DEIR for Coast Hwy

I am just now starting to go through this, but I have found errors and I believe they should be corrected and reprinted for the public.

DEIR I2-1

Here are a few:

When listing schools that are impacted Palmquist isn't listed but it is directly across the street from Lincoln Middle School

DEIR I2-2

In the document regarding available street parking it mentions no parking on on Coast Hwy between O'side Blvd. and Morse. There is parking on both sides. pg. 3.14.1

DEIR I2-3

pg. 3.14.2 states there is parallel parking on O'side Blvd. between Coast Hwy and I-5 There is none.

pg. 3.14.40 states the median curbs would be built low so FD can traverse. Then says the curbs are 2 feet high. What??? I would also like to see Coast Hwy coned off as proposed and see the FD making these turns.

DEIR I2-4

in the last appendix 13. Table two is completely missing.

DEIR I2-5

These are the ones I have found today. This is a legal document and as such should not have these issues, I have not reviewed it in its entirety but these are not small mistakes. I will continue to send these to you along with my final comments.

DEIR I2-6

Respectfully,

Colleen Balch

**Letter  
DEIR I2  
Response****Colleen Balch  
July 13, 2017**

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- DEIR I2-001 The City acknowledges this comment as an introduction to comments that follow, and appreciates this commenter for participating in this process. This comment is included in this FEIR for consideration by the City prior to a final decision on the project.
- DEIR I2-002 This comment states that Palmquist Elementary School hasn't been included as a listed school in vicinity of the proposed project in the DEIR. It is acknowledged that Palmquist Elementary School is in the vicinity of the proposed project. Section 3.12, *Public Services*, of the DEIR analyzed impacts to four schools (South Oceanside Elementary, Laurel Elementary, Lincoln Middle School, and Oceanside High School) in the vicinity of the proposed project area with implementation of the proposed project. The analysis concluded that the proposed project would result in less than significant impacts to these schools as new development under the Incentive District would be required to pay the applicable school fees established by the City at the time of issuance of a building permit. With the addition of Palmquist Elementary School to the baseline conditions of the analysis, the conclusion would not change as all future development under the Incentive District would still be required to pay the applicable school fees, which would be allocated to individual schools at the City's discretion. This comment is included in this FEIR for consideration by the City prior to a final decision on the project.
- DEIR I2-003 This comment states that the DEIR incorrectly states that on-street parking is not currently allowed along Coast Highway between Oceanside Boulevard and Morse Street in Section 3.14, *Transportation and Traffic*, of the DEIR. This comment is not accurate as the DEIR was correct in stating that on-street parking is not currently allowed along Coast Highway between Oceanside Boulevard and Morse Street due to the presence of a Class II striped bicycle lane, with the exception of a very short segment on the north side of Coast Highway north of Loma Alta Creek where on-street parking is allowed. While this clarification of the existing baseline conditions was incorporated into the revised Traffic Impact Analysis (TIA) (2018) prepared in support of the PRDEIR, this minor clarification does not change any of the conclusions of the DEIR.
- This comment also states that the DEIR incorrectly states that parallel parking is currently allowed along Oceanside Boulevard between Coast Highway and I-5 in Section 3.14, *Transportation and Traffic*. The DEIR states that parallel parking is permitted along Oceanside Boulevard between Coast Highway and I-5, which is inaccurate as the commenter has stated. The reference to parallel parking along Oceanside Boulevard between Coast Highway and I-5 was removed from the

revised TIA (2018) prepared for the PRDEIR. Section 3.14, *Transportation and Traffic*, of the EIR contained in Volume 3 of this FEIR has updated accordingly to reflect this change as well. However, this change to the existing baseline conditions is considered a minor textual change and does not change any of the conclusions of the DEIR.

- DEIR I2-004 This comment questions how the Oceanside Fire Department fire trucks would be able to traverse the future center median along Coast Highway in an event of an emergency as the DEIR states that the center median curbs would be two feet tall. The DEIR incorrectly states that the center median curbs would be two feet tall instead of stating that the center median would be two feet wide. Section 3.14, *Transportation and Traffic*, of the PRDEIR was revised to correct the design parameters of the proposed center median curbs to state that curbs would be approximately two feet in width (refer to page 3.14-48 of the PRDEIR).
- DEIR I2-005 This comment states that Table 2 in Appendix 13, LUP Text Amendments, is missing. This was an oversight during production of the DEIR and Table 2 has been provided in Chapter 2, *Errata*, and in the appendices of the EIR contained in Volume 3 of this FEIR. The addition of this table does not change any conclusions of the DEIR and no changes have been made to the analysis of the DEIR in response to this comment.
- DEIR I2-006 The City acknowledges this comment as providing the conclusion of the comment letter, and appreciates this commenter for participating in this process. This comment is included in this FEIR for consideration by the City prior to making a final decision on the project.

**From:** JOHN STUMP City Hieghts 92105 [mailto:mrjohnstump@cox.net]  
**Sent:** Sunday, July 23, 2017 3:37 PM  
**To:** John Amberson  
**Subject:** CEQA / NEPA comments on Oceanside Environmental document

Dear Mr. Amberson,

Please include the attached letter concerning Climate Change Impacts and the email below as comments on your pending environmental document , as featured in Sunday’s Union Tribune.

DEIR I3-1

My comment is, in summary, that business as usual can no longer continue. The City of Oceanside can no longer develop a Carbon intense economy , like tourism and believe that it does not significantly contribute to climate change. Projects that increase the capacity for tourism visitors are contrary to climate action plans, unless there is a finding that there is no feasible alternative.

DEIR I3-2

Here is the reference to Environmental Full-Cost Accounting & True Cost Accounting, which should be part of your analysis of the impacts of any proposed project Please include this article in your comments section [https://en.wikipedia.org/wiki/Environmental\\_full-cost\\_accounting](https://en.wikipedia.org/wiki/Environmental_full-cost_accounting) I have attached the national accounting handbook on this form of accounting and request that you include it as a portion of my comments.

DEIR I3-3

The attached letter, on page two, makes specific recommendations for an effective climate action plan and projects.

I have attached a copy of the successful CEQA suit , Sierra Club v County of San Diego, which was filed while I was Chairman of the San Diego Sierra Club.

I request written responses to my comments and notice of future documents and hearings.

All the best,  
**John W. Stump, III**

*Attorney at Law*  
Under the Big Tree At 3 Leaf  
2415 Shamrock Street  
City Heights, California 92105  
**619-281-4663**

**NO SERVICES WITHOUT WRITTEN CONTRACT**

Please consider the environment before printing this e-mail, and print double-sided whenever

**JOHN STUMP**  
2411 Shamrock Street  
City Heights, California 92105  
619-281-4663 [mrjohnstump@cox.net](mailto:mrjohnstump@cox.net)

**December 14, 2015**

San Diego City Council  
202 C Street  
San Diego, California 92101

By E-Mail [councilchambers@sandiego.gov](mailto:councilchambers@sandiego.gov), [cityclerk@sandiego.gov](mailto:cityclerk@sandiego.gov)

RE: AGENDA ITEMS 110, 111, and 330 States of Emergency Sewage, Housing, & Climate Change

Dear Honorable City Council, Mayor Faulkner, and City Attorney Goldsmith,

This is my third submission concerning proposals to address states of emergency caused by poor planning, over population and resultant climate change. My letter of December 3, 2015, my Council Comment, and this submission attempt to focus the Council's attention on the depth of the crisis we face and that much of the challenges we must address are of our own making \*. A very talented and good spirited team has prepared a proposed Climate Action Plan which I urge you to adopt. This plan is *TL*<sup>2</sup>, but it is a start. A late and a very window dressing start but at least a start.

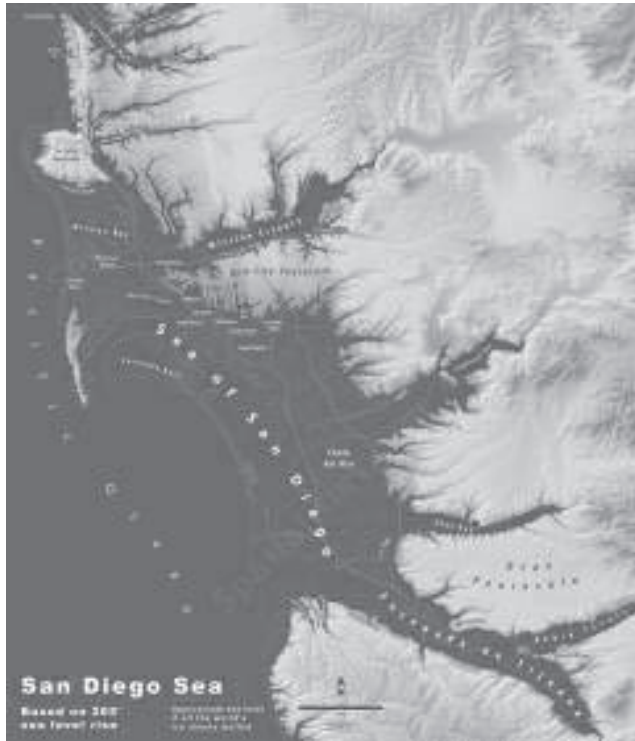
As we proceed to the next decade, Leadership will realize that much more action is needed because we acted too late and did too little. Your adopted plan needs to: **1.** Emphasize real time and annual feedback adjustments, based on worsening conditions AND **2.** Require a serious evaluation of the definition of our REGION including its underlying economic assumptions or industries. The article: *When the End of Human Civilization Is Your Day Job*, ESQUIRE, John H. Richardson, July 7, 2015, <http://tinyurl.com/n9a8pxm> makes clear that the steady CO<sup>2</sup> Keeling warming curve will soon accelerate to become a Hockey Stick rocket to disaster. Bad things are coming and they are coming fast!

Three items on today's agenda, items 110, 111, and 330 should be considered together as they are related and reflect the crisis we face. For nearly 100 years San Diego leadership has chosen an economic engine based primarily on never ending development and ever bigger tourism promotion. Our city has expanded faster than services and infrastructure could keep up with the demands for water, sewage waste processing and housing for resultant low income jobs. Leadership has failed to consider that San Diego and Tijuana are conjoined cities like Buda & Pest and operates like San Dejuana. We have picked an economy that is a fast food high carbon diet and the health consequences are catching up with us.

San Diego's greatest Environmental Mayor, Pete Wilson, has been honored for his foresight for starting a compact and vital downtown, so as to forestall urban sprawl. Unfortunately, Mayor Wilson's foresight did not include the ever accelerating challenges of Global Warming and Sea Level rise, as the ice caps and glaciers melt. The likely future of San Diego's Downtown and Convention / Stadium(s) / Hospitality / Hotel zone will be facing flooding or be under water before the taxpayer Bonds and financing mortgages can be paid off.

As Leaders, the Mayor and Council can no longer adopt politically correct public Climate Action Plans and then continue to fund and enable the high carbon generating Tourism /Hospitality sector and un constrained development. The Courts have not supported this *"Business As Usual"* approach – Sierra Club v County of San Diego <http://tinyurl.com/hjpebey>





A serious Climate Action Plan would begin the transition away from the high polluting / carbon generating Tourism / Hospitality industrial sector to cleaner less impact economic base. Illustrative of the **CO2** creating economy that our City Leaders fund promote and enable are the San Diego Regional Airport's nearly 19 million passengers and nearly 200,000 flight operations (See: <http://tinyurl.com/zf5kqa7> ) and the more than 4 million annual visitors each on city land leased to Zoo Global and SeaWorld ( See: <http://tinyurl.com/ptkqcoq> ). City leadership must stop funding, enabling, and promoting tourism and switch these resources to other climate friendly businesses. Budget is policy; stop spending money that promotes harm and fosters climate changing **CO2**.

Here are some next steps, past **"Business As Usual"**:

1. **STAINABILITY IMPACT ANALYSIS:** Require a Sustainability Impact Analysis for each major contractual or budgetary expenditure. Analysis should cover Climate Change Impacts, Water used, Storm Water generated, Traffic generated, Growth Induced and related items.
2. **ECONOMIC RESTRUCTURING AND REFOCUS:** Begin a deliberate restructuring and refocusing of the economic sectors enabled and fostered by City Budget spending. Select industries based on their climate action plan sustainability and wage potential for residents.
3. **PLAN FOR OCEAN RISE AND FLOODING:** Revise development code and planning documents to begin to move major public and private building investments out of the likely future flood zones. Require insurances and bonds for structure removal and discontinuation of City services to these areas so that taxpayers are required to pay for flood prone developments.
4. **TRANSITION TO EXECUTIVE AND EMPLOYEE ELECTRIC VEHICLES AND TRANSIT NOW:** Adopt policies and plans to provide City reimbursement of Car Allowances and mileage only to Zero Emission Vehicles, beginning with the officials elected in 2016. Employee parking for non-Zero Emission Vehicles should be phased out over the next 5 years.

Most native San Diegans would agree that our region has declined over the past 50 years. Housing is less affordable, water, more polluted, beaches less accessible schools of lesser quality and roads more congested. City leadership has bought into a vision that enriches developers and promotes growth toward becoming a Mega City, from Baja to Oceanside. This Noah Cross vision of becoming the Shanghai of California does not profit our people, but the old developers and is incompatible with a meaningful Climate Action Plan.

Again thank you and your very talented team for a good beginning. Adopt it, after further review and revision, as a very first step on a long marathon race to avoid the Sixth Extinction.

Respectfully,

John Stump \* These materials and their links and attachments are incorporated herein by reference.

Filed 10/29/14 Certified for publication 11/24/14 (order attached)

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

SIERRA CLUB,

Plaintiff and Respondent,

v.

COUNTY OF SAN DIEGO,

Defendant and Respondent.

D064243

(Super. Ct. No. 37-2012-00101054-  
CU-TT-CTL)

APPEAL from a judgment of the Superior Court of San Diego County, Timothy Taylor, Judge. Affirmed.

Thomas E. Montgomery, County Counsel, and C. Ellen Pilsecker, Chief Deputy County Counsel, for Defendant and Appellant.

Law Office of Malinda R. Dickenson, Malinda R. Dickenson; Chatten-Brown & Carstens, Douglas P. Carstens and Josh Chatten-Brown for Plaintiff and Respondent.

This action arises out of the County of San Diego's (County's) 2011 general plan update, wherein the County issued a program environmental impact report (PEIR), and adopted various related mitigation measures. In this action the Sierra Club sought, in a

petition for writ of mandate, to enforce one mitigation measure adopted by the County: the Climate Change Mitigation Measure CC-1.2 (Mitigation Measure CC-1.2). With Mitigation Measure CC-1.2, the County committed to preparing a climate change action plan with "more detailed greenhouse gas [GHG] emissions reduction [GHG] targets and deadlines" and "comprehensive and enforceable GHG emissions reductions measures that will achieve" specified quantities of GHG reductions by the year 2020.

However, the Sierra Club alleged that instead of preparing a climate change action plan that included comprehensive and enforceable GHG emission reduction measures that would achieve GHG reductions by 2020, the County prepared a climate action plan (CAP) as a plan-level document that expressly "does not ensure reductions." The County also developed associated guidelines for determining significance (Thresholds).

According to the Sierra Club, review of the CAP and Thresholds project under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) was performed after the fact, using an addendum to the general plan update PEIR, without public review, without addressing the concept of tiering, without addressing the County's failure to comply with the express language of Mitigation Measure CC-1.2, and without a meaningful analysis of the environmental impacts of the CAP and Thresholds project.

The court granted the petition, concluding that the County's CAP did not comply with the requirements of Mitigation Measure CC-1.2 and thus violated CEQA. The court found that the CAP did not contain enforceable GHG reduction measures that would achieve the specified emissions reductions.

The County appeals, asserting (1) the statute of limitations bars the claim that the mitigation measures are not enforceable; (2) the CAP met the requirements of Mitigation Measure CC-1.2; and (3) that the trial court erred in finding that a supplemental EIR was required. We affirm.

## FACTUAL AND PROCEDURAL BACKGROUND

### A. *Executive Order S-3-05*

In 2005 then-California Governor Arnold Schwarzenegger issued Executive Order No. S-3-05,<sup>1</sup> which acknowledged California's vulnerability to the effects of climate change and established targets for reducing GHG emissions in California over time. Specifically, Executive Order No. S-3-05 set statewide targets for three points in time: 2010, 2020, and 2050. The target for 2010 (2010 Target) was to reduce emissions to the levels they were at in the year 2000. The target for 2020 is to reduce emissions to the levels they were at in 1990 (2020 Target). The target for 2050 is that emissions be 80 percent below the levels they were at in 1990 (2050 Target).

Executive Order No. S-3-05 was based on then-available climate science and represented California's share of worldwide GHG reductions necessary to stabilize climate. As the Attorney General explained, "Executive Order [No.] S-3-05 is an official policy of the State of California, established by gubernatorial order in 2005, and designed to meet the environmental objective that is relevant under CEQA (climate stabilization)."

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<sup>1</sup> On March 24, 2014, the County requested that we take judicial notice of Executive Order No. S-3-05. We grant that request.

*B. The Legislature Addresses the Need for GHG Emission Reductions*

In response to Executive Order No. S-3-05, the California Legislature enacted the California Global Warming Solutions Action of 2006, Assembly Bill No. 32. (Health & Saf. Code, § 38500 et seq.) Consistent with Executive Order No. S-3-05, Assembly Bill No. 32 required the California State Air Resources Board (CARB) to determine 1990 levels of GHG emissions and then to establish "a statewide greenhouse gas emissions limit that is equivalent to that level, to be achieved by 2020." (Health & Saf. Code, § 38550.) Assembly Bill No. 32 also stated that GHG reductions must continue after 2020, requiring that the statewide greenhouse gas emissions limit established by CARB "remain in effect unless otherwise amended or repealed" (Health & Saf. Code, § 38551, subd. (a)) and further that "[i]t is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020." (Health & Saf. Code, § 38551, subd. (b).) Assembly Bill No. 32 also required that CARB "prepare and approve a scoping plan [for] achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions by 2020." (Health & Saf. Code, § 38561, subd. (a).)

In December 2008 CARB approved the scoping plan. The scoping plan "identifies California's cities and counties as 'essential partners' within the overall statewide effort, and recommends that local governments set a GHG reduction target of 15% below 2005-2008 levels by 2020." Thus, it was acknowledged that CARB would accept this target as a substitute for the 1990 level referenced in Assembly Bill No. 32 and Executive Order No. S-3-05.

*C. The County's General Plan Update PEIR*

The County acknowledged in the general plan update PEIR that it needed to "reduce GHG emissions to 1990 levels by 2020" and that changes were required both in the community and in the County's operations, buildings, vehicle fleet, and with respect to its employee commutes, water, and waste.

A GHG emissions inventory was prepared as a special appendix (Appendix K). Appendix K set forth projected emissions reductions and assumptions then-available, and promised that the "Greenhouse Gas Reduction/Climate Action Plan, which will be prepared as an implementation strategy, will further detail the County's GHG emissions and how those reductions will occur."

There was extensive public comment on the general plan update, including from the California Attorney General:

"[W]e encourage the County to (1) commit in the General Plan to adopt by a date certain a CAP with defined attributes (targets, enforceable measures to meet those targets, monitoring and reporting, and mechanisms to revise the CAP as necessary) that will be integrated into the General Plan; (2) incorporate into the General Plan interim policies to ensure that any projects considered before completion of the CAP will not undermine the objectives of the CAP; and (3) for all GHG impacts the County has designated as significant, adopt feasible mitigation measures that can be identified today and that do not require further analysis." (Fn. omitted.)

*D. Mitigation Measures*

The County thereafter promised to take a series of additional actions. These promises took the form of a group of climate change-related mitigation measures:

Mitigation Measures CC-1.1 through CC-1.19 (the Mitigation Measures). The Mitigation

Measures included requirements to update, review, and implement County programs; implement a strategic energy plan; revise the zoning ordinance; coordinate with other entities; educate the public; reduce vehicle miles traveled and encourage alternative modes of transportation; and, based thereon, to revise the County guidelines for determining significance.

The County made the following finding with regard to Mitigation Measure CC-1.2:

"[Mitigation Measure] CC-1.2 requires the preparation of a County Climate Change Action Plan within six months from the adoption date of the General Plan Update. The Climate Change Action Plan will include a baseline inventory of greenhouse gas emissions from all sources and *more detailed greenhouse gas emissions reduction targets and deadlines*. The County Climate Change Action Plan *will achieve comprehensive and enforceable GHG emissions reduction of 17% (totaling 23,572 MTC02E) from County operations from 2006 by 2020 and 9% reduction (totaling 479,717 MTC02E) in community emissions from 2006 by 2020*. Implementation of this Climate Change Action Plan will contribute to meeting the [Assembly Bill No.] 32 goals, in addition to the State regulatory requirements noted above." (Italics added.)

Mitigation Measure CC-1.2 formed the basis for Mitigation Measure CC-1.8, which required "revision of the County Guidelines for Determining Significance based on the Climate Change Action Plan."

Mitigation Measure CC-1.8, in turn, formed the basis for Mitigation Measure CC-1.7, which required that the County guidelines for determining significance anticipated by Mitigation Measure CC-1.8 incorporate CARB's recommendation for a threshold for determining significance of impacts on climate change. Should the recommendation "not be released in a timely manner," the County would "prepare its own threshold."

As required by CEQA (Pub. Res. Code, § 21081.6), the County incorporated a mitigation monitoring and reporting program (MMRP) into the general plan update PEIR.

Included in the MMRP was a promise to achieve GHG reductions by 2020 through comprehensive and enforceable GHG emission reduction measures. In addition to committing to the 2020 Target, the County also committed to compliance with the Executive Order No. S-3-05 trajectory. The County found "significant impacts associated with substantial climate-related risks" such as those "on water supply, wildfires, energy needs, and impacts to public health" would occur as a result of its general plan update. However, as a result of its commitment to adopt a CAP and Thresholds, and other mitigation measures, the County was able to make a finding that the climate change impacts anticipated by the general plan update PEIR would be avoided or substantially lessened.

*E. The CAP and Thresholds Project*

According to the County, the CAP was prepared for the following purposes:

1. To mitigate the impacts of climate change by achieving meaningful greenhouse gas (GHG) reductions within the County, consistent with Assembly Bill No. 32, the governor's Executive Order S-3-05, and CEQA guidelines (Cal. Code Regs., tit. 14, § 15000 et seq. [CEQA Guidelines]).
2. To allow lead agencies to adopt a plan or program that addresses the cumulative impacts of a project.
3. To provide a mechanism that subsequent projects may use as a means to address GHG impacts under CEQA.

4. To comply with the 2011 adopted County General Plan Environmental Impact Report (EIR) Mitigation Measure CC-1.2, Preparation of a Climate Action Plan.

Although compliance with Mitigation Measure CC-1.2 was one purpose of the CAP, two of the four purposes relate to preparation of the CAP as a plan-level document so that environmental review could be avoided on future projects that were determined to be below specified "thresholds." (CEQA Guidelines, § 15183.5.) However, the CAP did not mitigate climate change impacts consistent with Assembly Bill No. 32 and Executive Order No. S-3-05, did not satisfy the plan-level requirements of CEQA Guideline 15183.5, and it did not meet the requirements of Mitigation Measure CC-1.2

Instead, the CAP expressly acknowledged the possibility that "communitywide inventories will indicate that the community is not achieving its reduction targets" and admitted that the CAP "does not ensure reductions." Further, the CAP did not include a meaningful analysis of "measures that extend beyond the year 2020." Rather, the County documented that instead of continuing to reduce GHG emissions after 2020, GHG emissions allowed as a result of the general plan update were anticipated to *increase* after 2020.

The CAP and Thresholds were presented to the planning commission and the board of supervisors as "the project." The Thresholds, like the CAP, purport to expressly facilitate post-2020 development that would have significant adverse climate change impacts, without any consideration of post-2020 climate science as required by Assembly Bill No. 32 and Executive Order No. S-3-05.

*F. The Comment Period*

The Sierra Club submitted extensive comments to the County. In particular, the Sierra Club commented on the need to take action consistent with climate science and achieve the Assembly Bill No. 32 and Executive Order No. S-3-05 GHG emissions reductions targets. The Sierra Club also provided specific examples of feasible GHG Reduction measures that would actually reduce GHG emissions and could be adopted without delay. The Sierra Club submitted additional comments and testified at the planning commission hearing, attempted to appeal the planning commission's decision, and testified at the board of supervisors hearing.

*G. Proceedings Before the Planning Commission*

The final agenda for the April 27, 2012 regular meeting of the County Planning Commission Regulation Meeting made no reference to the associated Thresholds, which were also presented to the planning commission. Despite acknowledging the significant climate change effects as well as the requirements of Assembly Bill No. 32 and Executive Order No. S-3-05, staff took the position that no additional environmental review was required. The planning commission voted to adopt staff's recommendation with one addition relating to installation of electric vehicle recharging stations.

*H. Proceedings Before the Board of Supervisors*

The Project was placed on the agenda for the June 20, 2012 board of supervisors meeting as "County of San Diego Climate Action Plan (District: All)." The staff report and supporting documents presented to the board of supervisors included (1) the CAP, (2) the Thresholds, (3) the environmental documentation, and (4) public documentation.

The environmental documentation included a memorandum referencing "CEQA Guidelines Section 15164 Addendum to the County of San Diego General Plan Update [PEIR] (SCH 2002111067)" (Addendum) which was dated the same day as the hearing, June 20, 2012. The addendum defined the project as "the CAP and Significance Guidelines." The addendum included attachments entitled "Environmental Review Update Checklist Form" (environmental checklist) and "Environmental Review Update Checklist for County of San Diego Climate Action Plan." The environmental checklist included a determination by staff that the "new information included in the CAP and Significance Guidelines represent minor technical additions to the previously certified EIR."

At the board of supervisors hearing, staff acknowledged that "[s]tate and local measures in the climate plan are insufficient to achieve our target in 2035" and explained that the CAP measures were not required, but rather that staff "believe[d]" that "education and incentives" might produce a result.

The County also documented that GHG emissions were anticipated to *increase*, not decrease, after 2020. Staff explained that the County would not comply with Executive Order No. S-3-05 because "the State's plan right now goes out to 2020." Staff further explained to the Board of Supervisors that the Thresholds would result in a less than significant finding for greenhouse gas emissions for future development projects.

Ultimately, the board of supervisors took the following actions:

1. Adopted environmental findings including in attachment C.

2. Adopted the plan titled "County of San Diego Climate Action Plan (Attachment A)."

The only findings made by the County were the following:

1. The environmental impact report (EIR) dated August 3, 2011 on file with the Department of Planning and Land Use (DPLU) as Environmental Review Number SCH 2002111067 was completed in compliance CEQA and the State and County CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein and the Addendum thereto dated June 20, 2012 on file with DPLU and attached thereto; and
2. There were no changes in the project or in the circumstances under which the project was undertaken that involved significant new environmental impacts which were not considered in the previously certified EIR dated August 3, 2011, that there was no substantial increase in the severity of previously identified significant effects, and that no information of substantial importance had become available since the EIR was certified as explained in the environmental checklist dated June 20, 2012 and attached thereto.

*I. The Sierra Club Files Suit*

The Sierra Club filed a petition for writ of mandate, challenging the June 20, 2012 approval of the CAP and Thresholds project, including the associated environmental review. The Sierra Club alleged that the CAP did not meet the requirements of Mitigation Measure CC-1.2, the Thresholds were not adopted pursuant to the requirements of CEQA Guideline section 15064.7, and that an EIR should have been prepared.

*J. The Trial Court's Decision*

The trial court determined that the CAP did not comply with the requirements for a CAP as set forth in Mitigation Measure CC-1.2, and thus violated CEQA. The trial court found that the CAP neither contained enforceable GHG reduction measures that

will achieve the specified emissions reductions, nor detailed deadlines for GHG emission reductions.

The trial court further found that the approval process violated CEQA, noting: "There is no showing that the County properly considered whether the CAP is within the scope of the PEIR" and that "environmental review is necessary to ascertain whether the CAP met the necessary GHG emission reductions when considering the CAP is merely hortatory and contains no enforcement mechanism for reducing GHG emissions."

Further, the trial court determined that whether or not the Thresholds were adopted was a subsidiary issue that did not need to be reached in light of the trial court's decision on the CAP (which formed the basis for the Thresholds) and the process by which it was approved.

## DISCUSSION

### I. *STANDARD OF REVIEW*

The Sierra Club and the County agree as to the applicable standards of review.

In reviewing the County's actions under CEQA, we must determine whether there was "a prejudicial abuse of discretion." (Pub. Resources Code, § 21168.5.) "Abuse of discretion is established if the agency has not proceeded in a manner required by law, or if the determination or decision is not supported by substantial evidence." (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 486.)

"[A] reviewing court must adjust its scrutiny to the nature of the alleged defect." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435 (*Vineyard*).) Challenges to an agency's failure to proceed in the

manner required by CEQA are subject to a significantly different standard of review than challenges that an agency's decision is not supported by substantial evidence. (*Ibid.*)

Where the challenge is that the agency did not proceed in the manner required by law, a court must "determine de novo whether the agency has employed the correct procedures, 'scrupulously enforc[ing] all legislatively mandated CEQA requirements.'" (*Ibid.*)

Furthermore, when a prior environmental impact report has been prepared and certified for a program or plan, the question for a court reviewing an agency's decision not to use a tiered EIR for a later project "is one of law, i.e., 'the sufficiency of the evidence to support a fair argument.'" (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.) "[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence." (*Id.* at p. 1319, fn. omitted.) The court "must set aside the decision if the administrative record contains substantial evidence that a proposed project might have a significant environmental impact; in such a case, the agency has not proceeded as required by law." (*Id.* at 1317.)

## II. OVERVIEW OF CEQA

"The fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability." (*Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 443-444 (*Lincoln Place II*)). As the California Supreme Court has explained: "If CEQA is scrupulously followed, the public will know

the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citations.] The EIR process protects not only the environment but also informed self-government." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 392 (*Laurel Heights*).)

CEQA requires a public agency to prepare an environmental impact report (EIR) before approving a project that may have significant environmental effects. (Pub. Resources Code, § 21100.) The EIR is "'the heart of CEQA' . . . 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." (*Laurel Heights, supra*, 47 Cal.3d at p. 392.)

CEQA authorizes the preparation of various kinds of environmental impact reports depending upon the situation, such as the subsequent EIR, a supplemental EIR, and a tiered EIR. (Pub. Resources Code, §§ 21166, 21068.5, 21093, 21094.) Whereas the subsequent EIR and supplemental EIR are used to analyze modifications to a particular project, a tiered EIR is used to analyze the impacts of a later project that is consistent with an EIR prepared for a general plan, policy, or program. (CEQA Guidelines, § 15385; compare Pub. Resources Code, § 21166 & CEQA Guidelines §§ 15162, 15163 & 15164 [referencing "the project"] with Pub. Resources Code, § 21093 [stating that later projects may use tiering].)

CEQA requires that "environmental impact reports shall be tiered whenever feasible." (Pub. Resources Code, § 21093, subd. (b).) Tiering means "the coverage of

general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs . . . incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared." (CEQA Guidelines, § 15385; Pub. Resources Code, § 21068.5.) In the context of program and plan-level EIR's, the use of tiered EIR's is mandatory for a later project that meets the requirements of Public Resources Code section 21094, subdivision (b). (Pub. Resources Code, § 21094, subd. (a).)

Another requirement of CEQA is that public agencies "should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.) "A 'mitigation measure' is a suggestion or change that would reduce or minimize significant adverse impacts on the environment caused by the project as proposed." (*Lincoln Place II, supra*, 155 Cal.App.4th at p. 445.)

If the agency finds that mitigation measures have been incorporated into the project to mitigate or avoid a project's significant effects, a "public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation." (Pub. Resources Code, § 21081.6, subd. (a)(1).)

If a mitigation measure later becomes "impracticable or unworkable," the "governing body must state a legitimate reason for deleting an earlier adopted mitigation

measure, and must support that statement of reason with substantial evidence." (*Lincoln Place Tenants Association v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1509 (*Lincoln Place I*.)

### III. ANALYSIS

#### A. Statute of Limitations Defense

The County asserts that the Sierra Club's claim that the mitigation measures it adopted are not enforceable is barred by the statute of limitations because the Sierra Club should have challenged the County's approval of the general plan update EIR, not the CAP. We reject this contention.

The petition was filed 30 days after the County's June 20, 2012 approval of the CAP. In addition, the lawsuit was filed 29 days after the County filed a notice of determination (NOD). The Sierra Club's July 20, 2012 petition was timely filed 29 days after. Thus, the County triggered the 30-day statute of limitations set forth in Public Resources Code section 21167, subdivisions (b) and (e).

The Sierra Club is not challenging the validity of the general plan update PEIR or the enforceability of the mitigation measures provided in that document. Rather, the Sierra Club is challenging the project before the Board of Supervisors on June 20, 2012, and seeks to enforce a key mitigation measure set forth in the EIR and MMRP - Mitigation Measure CC-1.2.

Further, the Court of Appeal in *Lincoln Place II, supra*, 155 Cal.App.4th 425 rejected a similar argument to that made by the County. In that case, a tenants' association sought to compel the City of Los Angeles to enforce mitigation measures

contained in a vesting tentative tract map issued by the city. The city argued that the 180-day statute of limitations contained in Public Resources Code section 21167 for challenges to approval of projects without determining whether they have a significant effect on the environment barred the plaintiffs' action. In rejecting that action, the Court of Appeal held "[t]he statute's plain language demonstrates it has no application to this case seeking to *enforce mitigating conditions*." (*Lincoln Place II*, at p. 453, fn. 23, italics added.)

Moreover, the cases cited by the County in support of its position are inapposite. The County cites *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154 and *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004 for the proposition that because the time period within which to challenge the general plan update EIR has expired, the EIR is conclusively presumed to have complied with CEQA. Here, however, the Sierra Club is not challenging the general plan update EIR, but the CAP and Thresholds project, and is seeking to enforce Mitigation Measure CC-1.2.

The County's reliance upon *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018 and *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184 is also unavailing. The petitioners in those actions were challenging the adequacy of the mitigation measures themselves. Here, the Sierra Club does not attack the adequacy of the mitigation measure in the general plan update PEIR. To the contrary, the Sierra Club's lawsuit is in *support* of the County's past findings and promises to achieve GHG Reductions.

*B. Failure To Proceed in a Manner Required by Law*

As detailed, *ante*, implementation of Mitigation Measure CC-1.2 was only one of the purported purposes of the CAP and Thresholds project. The CAP and Thresholds project also purports to be a plan-level document for use in review of later projects.

As we shall explain, *post*, with respect to the CAP as mitigation for a plan-level document, the County failed to proceed in the manner required by CEQA by proceeding with the CAP and Thresholds project in spite of the express language of Mitigation Measure CC-1.2 that the CAP "include . . . more detailed greenhouse gas emissions reduction targets and deadlines" and that the CAP "will achieve comprehensive and enforceable GHG emissions reduction" by 2020. With respect to the CAP as a plan-level document itself, the County failed to proceed in the manner required by law by failing to incorporate mitigation measures into the CAP as required by Public Resources Code section 21081.6.

*1. The County failed to adopt a CAP that complied with the requirements of Mitigation Measure CC-1.2*

"Mitigating conditions are not mere expressions of hope." (*Lincoln Place I, supra*, 130 Cal.App.4th at p. 1508.) Once incorporated, mitigation measures cannot be defeated by ignoring them or by "attempting to render them meaningless by moving ahead with the project in spite of them." (*Lincoln Place II, supra*, 155 Cal.App.4th at p. 450.) This is true even where subsequent approvals are ministerial. (*Katzeff v. California Department of Forestry & Fire Protection* (2010) 181 Cal.App.4th 601, 614 [public agency "may not authorize destruction or cancellation of the mitigation—whether or not

the approval is ministerial—without reviewing the continuing need for the mitigation, stating a reason for its actions, and supporting it with substantial evidence"].) If a mitigation measure later becomes "impractical or unworkable," the "governing body must state a legitimate reason for deleting an earlier adopted mitigation measure, and must support that statement of reason with substantial evidence." (*Lincoln Place I, supra*, 130 Cal.App.4th at p. 1509.)

a. *The CAP does not include enforceable GHG emissions required by Mitigation Measure CC-1.2*

When it adopted the general plan PEIR, the County promised to achieve specified GHG reductions by 2020. However, when it approved the CAP and Thresholds project, the County stated that the CAP does not ensure the required GHG emissions reductions. Rather, the County described the strategies as recommendations.

Until this litigation was initiated, the County described the CAP as the most critical component of the County's climate change mitigation efforts. The CAP was intended to "provide[] the specific details associated with [the General Plan] strategies and measures for greenhouse gas (GHG) emissions reduction *that were not available* during the program-level analysis of the General Plan." (Italics added.)

The County agreed to the mitigating requirement of a CAP containing "comprehensive and enforceable GHG emissions reduction measures that will achieve" the specified GHG Reductions by 2020. This is because, as the County acknowledges, Executive Order No. S-3-05 requires consistent emissions reductions each year from

2010 through 2020 and then a greater quantity of emissions reductions each year from 2020 through 2050.

The County asserts that "[f]ive of the reduction measures incorporated into the CAP are also embodied in state or federal law" and that "CEQA permits reliance on existing regulatory standards as mitigation when it is reasonable to believe compliance will occur."

However, the County acknowledges that these measures will not, alone, achieve the specified GHG emissions reductions by 2020. In fact, the record shows that without local measures the requirements of Assembly Bill No. 32 will not be met.

Further, the record demonstrates that many of the mitigation measures set forth in the MMRP are not likely to achieve GHG emissions reductions by 2020 as promised by Mitigation Measure CC-1.2 because they are not currently funded. The record show that the County has not funded essential programs like replacing its own vehicle fleet, implementing water conservation programs, preparing town center plans, and reducing water demand. The County cannot rely on unfunded programs to support the required GHG emissions reductions by 2020, as Mitigation Measure CC-1.2 requires.

Transportation is a major concern, which the County concedes is the largest source of community GHG emissions. The Sierra Club presented evidence below that driving reductions needed to achieve Assembly Bill No. 32 and Executive Order No. S-3-05 targets are not met. The County did not dispute this evidence. The record shows that transit-related measures are either unfunded, that the County is not making meaningful

implementation efforts, and in some instances that the County is acting contrary to mitigation measures incorporated into the general plan update PEIR.

For example, two of the four transportation measures, T1 (increase transit use) and T2 (increase walking & biking), rely on at least one unfunded program. In addition, measures T1 and T2, as well as T3 (increase ridesharing), also rely on "coordination" with SANDAG and/or other entities.

In response to Sierra Club's comments relating to the effectiveness of these measures as a result of current SANDAG (San Diego Association of Governments) priorities, the County did not request funds based on the fact that it does not control how SANDAG spends its money. As the County stated, "The County does not control regional plans or allocation of regional transportation funding." This position was rejected by the Supreme Court in *City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 367 [holding respondent could not disclaim responsibility for making payments without first asking for funds].

The CAP's transportation section also does not include an analysis of the County's own operations, and the record appears to include contradictions even over programs over which the County has exclusive control, such as replacement of its own vehicle fleet with alternatively fueled vehicles. Although the County suggests it will implement "1 % greater efficiency per year", the County has not formally bound itself to do so. Indeed, there is no mention of potential funding sources with respect to reductions related to County operations.

b. *The CAP contains no detailed deadlines for reducing GHG emissions*

As the trial court found, the CAP contained no detailed deadlines. The County argues on appeal that the 2020 goal and the timeframes set forth in the MMRP are sufficient to meet the requirement of "more detailed . . . deadlines." However, Mitigation Measure CC-1.2 expressly required that the CAP provide more detailed deadlines. If the County did not intend for the CAP to do anything further with respect to deadlines than already set forth, the County would not have used the word "more." Indeed, in addition to not providing the promised deadlines, the CAP acknowledges that it will not be effective unless it is updated.

c. *The evidence cited by the County*

The County asserts that CAP measures will be effective because "[p]articipation rates were discussed and modified," and the "feasibility of attaining reduction targets was assessed." However, the County does not cite any evidence in the record to support its belief that people will participate in the various programs to the extent necessary to achieve the reductions asserted, or even assert that feasible measures will actually be implemented.

Rather, the County cites to entire appendices and chapters of the CAP. However, information contained in appendices are "not a substitute for "a good faith reasoned analysis."" (*Vineyard, supra*, 40 Cal.4th at p. 442.) "The audience to whom an EIR must communicate is not the reviewing court but the public and the government officials deciding on the project." (*Id.* at p. 443.)

The County also asserts that the CAP "demonstrates a [GHG emissions] reduction of 19%." However, the CAP expressly states that it does not ensure reductions. Instead, the County's evidence relates to quantification of the respective measures. Quantifying GHG reduction measures is not synonymous with implementing them. Whether a measure is effective requires more than quantification, but an assessment of the likelihood of implementation. There is no evidence in the record that the above-referenced mitigation measures will make any contribution to achieving GHG emissions reductions by 2020.

*2. The County's failure to make findings regarding the environmental impact of the CAP and Thresholds project*

Instead of analyzing and making findings regarding the environmental effects of the CAP and Thresholds project, the County made an erroneous assumption that the CAP and Thresholds project was the same project as the general plan update. (*Sierra Club, supra*, 6 Cal.App.4th at p. 1320 ["section 21166 and its companion section of the [CEQA] Guidelines appear to control only when the question is whether more than one EIR must be prepared for what is essentially the same project"].) As a result, the County failed to render a "written determination of environmental impact" before approving the CAP and Thresholds project. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 81; Pub. Resources Code, § 21151.) This constitutes a failure to proceed in the manner required by law. (*No Oil, supra*, 13 Cal.3d at p. 81.)

By inaccurately assuming the CAP and Thresholds project was the same project as the general plan update, the County failed to analyze the environmental impacts of the

CAP and Thresholds project itself. (*Natural Resources Defense Council, Inc. v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 283 [holding CEQA violated where "no evidence that the [County] formally addressed whether or not the [] project fell within the concept of a 'tiered' EIR".]) As a result, the County never made the required findings that the effects of the CAP and Thresholds project were examined, mitigated, or avoided. (Pub. Resources Code, § 21094, subd. (a).)

The facts of the present case, as the trial court found, are similar to *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156 (*CSNC*). In *CSNC*, the county prepared a general plan and PEIR. (*Id.* at p. 1162.) In the PEIR, one of the mitigation measures was the preparation of a management plan, including a fee program, to mitigate the general plan's impacts on oak woodland habitat. (*Id.* at p. 1163.) The initial study concluded that the project was merely an implementation of the county's general plan. (*Id.* at p. 1176.)

The Court of Appeal rejected this argument, holding that a tiered EIR was required to examine the management plan since the PEIR did not include sufficient details, rejecting the argument that the management plan was merely an implementation of the general plan. (*CSNC, supra*, 202 Cal.App.4th at pp. 1176, 1184-1185.)

The County attempts to distinguish *CSNC* by asserting the general plan update PEIR analyzed the same environmental issue addressed in the CAP. However, the record reveals that the necessary details were not available to the County at the time the general plan update PEIR was certified. Indeed, no component of the project, the CAP or the Thresholds, had even been created at the time of the general plan update.

As the Court of Appeal in *CSNC* explained:

"That the preceding 2004 program EIR contemplated adverse environmental impacts resulting from development under the 2004 General Plan does not remove the need for a tiered EIR for the oak woodland management plan. . . . Here, the specific project—the oak woodland management plan (including Option B fee program)—required a tiered EIR to examine its specific mitigation measures and fee rate." (*CSNC, supra*, 202 Cal.App.4th at p. 1184.)

The general plan update anticipated implementation of mitigation measures—CC-1.2, CC-1.7, and CC-1.8—as mitigating conditions to mitigate the adverse climate change environmental impacts of the general plan update. Those measures were analyzed in the PEIR. However, the PEIR never considered the use of the CAP and the Thresholds as a plan-level program. Thus, the environmental impacts of its use needed to be considered in an EIR. (*NRDC, supra*, 103 Cal.App.4th at p. 281 [project did not arise until after PEIR and thus was not contemplated therein].)

The County contends that the Board of Supervisors made an "implied finding" that the CAP complied with Mitigation Measure CC-1.2 and that finding is "entitled to great deference." However, "such an 'implicit finding' does not satisfy CEQA's requirement of express findings." (*Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1037.) "[T]he board of supervisors must make findings . . . to permit a reviewing court to bridge the analytic gap between the evidence and the ultimate decision." (*People v. County of Kern* (1976) 62 Cal.App.3d 761, 777; see *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 442 ["passing references to the mitigation measures are insufficient to constitute a finding, as nothing in City's resolutions binds it to follow these measures"].)

Moreover, even if "implied findings" were permissible, there can be no "interpretation" of Mitigation Measure CC-1.2 contrary to its express terms. (*Southern Cal. Edison Co. v Public Utilities Com.* (2000) 85 Cal.App.4th 1086, 1105 ["an agency's interpretation of a regulation or statute does not control if an alternative reading is compelled by the plain language of the provision"]; see *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1062 [agency's "view of the meaning and scope of its own ordinance" does not enjoy deference when it is "clearly erroneous or unauthorized"].)

3. *The County failed to proceed in the manner required by law by failing to incorporate mitigation measures directly into the CAP*

As discussed, *ante*, one of the major differences between the climate change action plan anticipated by Mitigation Measure CC-1.2 in the general plan update PEIR and the CAP and Thresholds project as prepared, is that the general plan update PEIR did not analyze the CAP as a plan-level document that itself would facilitate further development. As a plan-level document, the CAP is required by CEQA to incorporate mitigation measures directly into the CAP:

"A public agency shall provide the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, *in the case of the adoption of a plan*, policy, regulation, or other public project, by *incorporating the mitigation measures into the plan*, policy, regulation, or project design." (Pub. Resources Code, § 21081.6, subd. (b), italics added.)

As authority for the assertion that it did not need to incorporate enforceable mitigation measures into the CAP directly, the County cites *Twain Harte Homeowners Assn. v. County of Tuolumne* (1982) 138 Cal.App.3d 664, 689-690. However, *Twain Harte* was decided before enactment of Public Resources Code section 21081.6, subdivision (b), which, as discussed, *ante*, requires "in the case of the adoption of a plan" that mitigation measures be fully enforceable "by incorporating the mitigation measures into the plan . . . ."

"The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind." (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283.) By failing to consider environmental impacts of the CAP and Thresholds project, the County effectively abdicated its responsibility to meaningfully consider public comments and incorporate mitigating conditions. In addition to the example discussed, *ante*, related to transportation impacts, the Sierra Club also provided examples of mitigation implemented by other regions to mitigate the effects of climate change in the energy sector. The County neither implemented nor responded to these examples which have already been implemented elsewhere.

4. *The trial court's finding that the County must prepare an EIR*

As set forth in *Lincoln Place I*, a supplemental EIR must be prepared when a public agency determines a previously adopted mitigation measure is infeasible. (*Lincoln Place I, supra*, 130 Cal.App.4th at pp. 1508-1509.) In addition, CEQA guidelines,

section 15183.5, subdivision (b)(1)(F) provides that a plan for the reduction of GHG emissions should "[b]e adopted in a public process following environmental review."

The County's failure to comply with Mitigation Measure CC-1.2 and Assembly Bill No. 32 and Executive Order No. S-3-05 supports the conclusion that the CAP and Thresholds project will have significant, adverse environmental impacts that have not been previously considered, mitigated, or avoided.

*a. Substantial evidence supports the court's finding preparation of an EIR was required*

The County asserts that the substantial evidence standard of review applies to the question of whether a supplemental EIR was required, under which deference is given to an agency's determination. (*Latinos Unidos de Napa v. City of Napa* (2013) 221 Cal.App.4th 192, 200-202.) The Sierra Club, on the other hand asserts that the "fair argument" test applies, under which "deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary." (*Sierra Club, supra*, 6 Cal.App.4th at p. 1318.) We conclude that under either standard, the trial court did not err in finding a supplemental EIR was required.

The fair argument versus substantial evidence test is of no moment because, here, there is no substantial evidence in the record supporting the County's erroneous conclusion that "activities associated with the CAP and Significance Guidelines are within the scope of the General Plan Program EIR."

The County does not dispute that "to avoid serious climate change effects, atmospheric GHG concentrations need to be stabilized as quickly as possible." In fact, the County warns that expected local adverse effects of climate change include "higher temperatures, [¶] a greater number of extremely hot days, [¶] changes in the pattern and amount of precipitation, [¶] decreased water supplies accompanied by increased demand, [¶] increased wildfire risk, [¶] changes in ecosystems, and [¶] decline or loss of plant and animal species." However, the CAP and Thresholds project was approved without the appropriate environmental analysis to avoid or mitigate these consequences. As the trial court found, "environmental review is necessary to ascertain whether the CAP met the necessary GHG emission reductions when considering the CAP is merely hortatory and contains no enforcement mechanism for reducing GHG emissions."

Moreover, as the County acknowledges, the details of the CAP "were not available during program-level analysis of the General Plan." For example, the general plan update PEIR did not provide a "baseline GHG emissions inventory; detailed GHG-reduction targets and deadlines; comprehensive and enforceable GHG emissions-reduction measures; and implementation, monitoring, and reporting of progress toward the targets defined in the CAP." In 2011 the County found that implementation of mitigation measures, including CC-1.2, CC-1.7, and CC-1.8, were part of the mitigation imposed to mitigate the climate change impacts of the general plan update. It cannot be said that failing to comply with Mitigation Measure CC-1.2, Assembly Bill No. 32, and Executive Order No. S-3-05 does not change the environmental conclusions in the general plan update PEIR.

Further, the general plan update PEIR did not contemplate that preparation of the CAP and Thresholds project was at the "plan-level." As a plan-level document, the CAP and Thresholds project was required to undergo environmental review as a matter of law. (CEQA Guidelines, § 15183.5, subd. (b)(1)(F).) The general plan update PEIR also did not contemplate that as a result of the CAP, "[m]ore projects will fall below the bright line threshold, and will not have to conduct detailed analysis", much less study the environmental impact of such. County staff, the planning commission, and the board of supervisors were all aware that approving the CAP and Thresholds project would allow more projects to avoid a climate change analysis, including projects with post-2020 climate change impacts without post-2020 environmental review.

Furthermore, in 2011, the County found that climate change impacts were mitigated not only by implementation of mitigation measures, but also by "compliance with applicable regulations" including Assembly Bill No. 32 and Executive Order No. S-3-05.

By contrast, the CAP and Thresholds project now acknowledges it does not comply with Executive Order No. S-3-05. Instead of maintaining a constant rate of GHG emissions reductions after 2020, as required by Executive Order No. S-3-05, the County admits that GHG emissions will instead increase after 2020. Thus, the County's own documents demonstrate that the CAP and Thresholds project will not meet the requirements of Assembly Bill No. 32 and Executive Order No. S-3-05 and thus will have significant impacts that had not previously been addressed in the general plan update PEIR.

The explanation given to the board of supervisors for failing to address the post-2020 impacts facilitated by the CAP and Thresholds project was that "the State's plan doesn't go out that far, and it would be speculative for us to do that."

However, contrary to the County's argument that it would be "speculative" to consider the environmental impacts of the CAP, the County has acknowledged that other agencies have, in fact, been able to do so. It is an abuse of discretion to reject alternatives or mitigation measures that would reduce adverse impacts without supporting substantial evidence. (CEQA Guidelines, §§ 15043, 15093, subd. (b).) The County's assumption that considering post-2020 impacts is "speculative" is not supported by substantial evidence. (Pub. Resources Code, § 21082.2, subd. (c) ["Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous . . . is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."].)

The Sierra Club provided feasible mitigation measures. The County rejected these mitigation measures without substantial evidence for doing so.

In sum, the CAP does not fulfill the County's commitment under CEQA and Mitigation Measure CC-1.2, to provide detailed deadlines and enforceable measures to ensure GHGF emissions will be reduced.

DISPOSITION

The judgment is affirmed. The Sierra Club shall recover its costs on appeal.

NARES, J.

I CONCUR:

McCONNELL, P. J.

I CONCUR IN THE RESULT:

HUFFMAN, J.

Filed 11/24/14

COURT OF APPEAL - STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION ONE

SIERRA CLUB,

Plaintiff and Respondent,

v.

D064243

COUNTY OF SAN DIEGO,

(Super. Ct. No. 37-2012-00101054-  
CU-TT-CTL)

Defendant and Appellant.

THE COURT:

The opinion in this case filed October 29, 2014 was not certified for publication. It appearing the opinion meets the standards for publication specified in California Rules of Court, rule 8.1105(c), requests by Chatten-Brown & Carstens and Mogavero Notestine Associates pursuant to California Rules of Court, rule 8.1120(a) for publication are GRANTED.

IT IS HEREBY CERTIFIED that the opinion meets the standards for publication specified in California Rules of Court, rule 8.1105(c); and

ORDERED that the words "Not to Be Published in the Official Reports" appearing on page one of said opinion be deleted and the opinion herein be published in the Official Reports.

MCCONNELL, Presiding Justice

cc: All Parties

Handbook of National Accounting

Integrated  
Environmental and  
Economic  
Accounting  
2003

*Final draft circulated for information prior to official editing*

United Nations  
European Commission  
International Monetary Fund  
Organisation for Economic Co-operation and Development  
World Bank

**Letter  
DEIR I3  
Response**

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**John Stump  
July 23, 2017**

DEIR I3-001 This comment states this commenter has included a letter concerning climate change impacts and other related materials and requests that they be included as comments on the subject Draft EIR. These documents have been reviewed and considered. While the submittals address issues related to the environment and climate change, including commentary on the City’s Climate Action Plan, the attachments to this commenter’s letter don’t contain any specific reference on comment on the proposed project that is the subject of the EIR nor comments on the CEQA process or EIR itself. For these reasons, no specific response is required to the submittal. However, they have been included in this Final EIR for consideration by the City prior to making a final decision on the project.

DEIR I3-002 This comment states that the City should no longer develop a carbon intense economy, like tourism and believes that it does not significantly contribute to climate change as projects that increase the capacity for tourism visitors are contrary to climate action plans. This comment does not provide a specific comment on the DEIR so no response is provided.

DEIR I3-03 This comment states this commenter has included several attachments, including a copy of Environmental Full-Cost Accounting & True Cost Accounting and states that this accounting approach should be part of the analysis of any proposed project. Environmental costs include the full range of costs throughout the life-cycle of a product, also referred to as a life cycle assessment.

The California Supreme Court has addressed project-level GHG emission inventories in the context of Statewide GHG emission inventories and reduction goals and life cycle assessments. As discussed in the Association of Environmental Professionals (AEP) *Draft White Paper–Production, Consumption and Lifecycle Greenhouse Gas Inventories: Implications for CEQA and Climate Action Plans* (August 2017), AEP states the following:

*“The court determined that the statewide reduction goals were an appropriate basis for project-level significance criteria, provided that the lead agency examines the relationship of the project’s emissions to the statewide emissions, and adjusts thresholds to take into account regional, local, or project-level considerations. The statewide reduction goals are based on a comparison of current and projected GHG emissions to a statewide 1990 GHG inventory. As such, in order to compare a project-level GHG inventory to a threshold derived from a statewide reduction target based on the statewide inventory, the GHG emissions included in the project inventory must be accounted for in a similar manner to the way the state accounts for GHG emissions.”*

*If a project-level inventory were to include additional upstream embedded emissions associated with consumption of goods and services, or downstream transportation emissions, outside of the State, it would no longer be comparable to the State inventory and a threshold based on State reduction targets could not be used to evaluate the project's GHG emissions. Given the California Supreme Court's determination that it is appropriate under CEQA to compare project GHG emissions to a threshold related to the State reduction goals, there is no logical rationale to include GHG emissions in a CEQA project inventory if they are not included in the State's GHG inventory, nor to use methodologies to account for emissions different from those employed in the State's GHG inventory."*<sup>1</sup>

Thus, consistent with the Court's ruling, a project-level GHG emissions inventory under CEQA need not include additional upstream embedded emissions or downstream emissions to maintain consistency with the Statewide GHG emission inventory methodology.

In addition, the State addressed embodied (lifecycle) GHG emissions in the *Final Statement of Reasons for Regulatory Action*, prepared for the amendment to Appendix F of the CEQA Guidelines pursuant to Senate Bill 97:

*"The amendments to Appendix F remove the term "lifecycle." No existing regulatory definition of "lifecycle" exists. In fact, comments received during the Office of Planning and Research's public workshop process indicate a wide variety of interpretations of that term. (Letter from Terry Rivasplata et al. to OPR, February 2, 2009, at pp. 5, 12 and Attachment; Letter from Center for Biological Diversity et al. to OPR, February 2, 2009, at pp. 17.) Thus, retention of the term "lifecycle" in Appendix F could create confusion among lead agencies regarding what Appendix F requires.*

*Moreover, even if a standard definition of the term "lifecycle" existed, requiring such an analysis may not be consistent with CEQA. As a general matter, the term could refer to emissions beyond those that could be considered "indirect effects" of a project as that term is defined in section 15358 of the State CEQA Guidelines. Depending on the circumstances of a particular project, an example of such emissions could be those resulting from the manufacture of building materials. (CAPCOA White Paper, pp. 50-51.) CEQA only requires analysis of impacts that are directly or indirectly attributable to the project under consideration. (State CEQA Guidelines, § 15064(d).) In some instances, materials may be manufactured for many different projects as a result of general market demand, regardless of whether one particular project proceeds. Thus,*

<sup>1</sup> Association of Environmental Professionals, Draft AEP White Paper - Production, Consumption and Lifecycle Greenhouse Gas Inventories: Implications for CEQA and Climate Action Plans, 2017, pg.1-7. Available at: [https://www.califaep.org/images/climate-change/Draft\\_AEP\\_White\\_Paper\\_Lifecycle\\_CEQA\\_CAPs\\_082017.pdf](https://www.califaep.org/images/climate-change/Draft_AEP_White_Paper_Lifecycle_CEQA_CAPs_082017.pdf). Accessed March 15, 2019.

*such emissions may not be caused by the project under consideration. Similarly, in this scenario, a lead agency may not be able to require mitigation for emissions that result from the manufacturing process. Mitigation can only be required for emissions that are actually caused by the project. (State CEQA Guidelines, § 15126.4(a)(4).)”<sup>2</sup>*

Therefore, consistent with the State CEQA Guidelines, environmental costs (i.e., lifecycle) embodied GHG emissions were not considered in this analysis as they are not consistent with generally recommended GHG emissions analysis methodology under CEQA.

As well, this comment provides the *Sierra Club v County of San Diego* lawsuit, for review and inclusion in the Final EIR. These materials have been provided as part of the public record and are included in this Final EIR for consideration by the City prior to making a final decision on the project.

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<sup>2</sup> California Natural Resources Agency, Final Statement of Reasons for Regulatory Action – Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 397, pg. 71. Available at: [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf). Accessed March 15, 2019.

July 28th 2017  
Attn Jeff Hunt  
Please forward to  
John Abramson and  
All members of the City Council

Dear Mr John Abramson,

I wish to have my comments added to the Oceanside coast Highway Corridor study  
Incentive district overlay and lane reduction DEIR

DEIR I4-1

I am very concerned for the safety of the residents in the entire coastal zone.  
First because of the fact that the boundaries can change allowing this higher density in more  
areas at the planner's discretion.  
Has a study been done on the worse case scenario where the boundary is maxed out in the  
coastal zone area?

DEIR I4-2

This will not only affect traffic but fire and police response times, parking, air quality etc  
The DEIR show's fire response time is below current standards and that the city does not have  
sufficient ladder trucks near enough to the studied area which is needed due to the higher  
building heights. Pier View Station is not large enough to house a ladder truck so the mitigation  
is for the City to relocate the pierview station where there is room yet The City states they do not  
have a known location at this time to review ! It also states since the need for this ladder truck  
already exists no need for mitigation

DEIR I4-3

How many years have the taller buildings been downtown? When the city approved the 9  
block redevelopment plan was this not addressed? If it was It seems at the least the City should  
have had a parcel of land downtown earmarked for the new station. What happens if this plan  
is approved and no parcel is available? Will only adding 1 ladder truck near the downtown area  
be enough to cover increased heights along the entire corridor through South Oceanside if a  
parcel is found and new station built ?

The Breeze luxury apt project is listed under cumulative effects yet that study was done in july of  
2016 when the Breeze plans only showed regular fire trucks needed.It The new revised plans  
of june 2017 show's 7 ladder trucks in the drawings yet Fire approved the review. How is this  
possible . How are natural disasters figured into all of this with mutable tall buildings possibly  
being affected Then what about max buildout and boundaries using entire coastal zone?  
Police states current building is sufficient in size though we are below current acceptable  
response times due to understaffing. No environmental impact as it is an economic problem.

DEIR I4-4

How long have we been short staffed ? Does the city have funds to hire more officers? If so why  
has this not already been done? Developer funds are charged now and development has been  
steady lately. Where do these fund go to ?

DEIR I4-5

The DEIR states that with or without the incentive overlay we will still have increased density so no mitigation needed.

DEIR I4-6

Under current zoning 45 ft is allowed but there are parking requirements in place that the incentive overlay does not. Was the parking fully studied do to the impact on local residents? What about the impact if approved then have the boundaries maxed out.

DEIR I4-7

The traffic calming and incentive overlay should have never been put into one package. It seems like the city knows the traffic calming will not work but is planning on using that nightmare to push through the incentive overlay to benefit the developers once again. The city seems to not be able to keep up with growth now to make sure fire and police etc are in place. Where have the developer's fees gone to all these years. I don't see any guarantees in this DEIR will that will be changed. In lieu of fees go to the incentive district as a whole and not affected areas of it. This does not protect South Oceanside

DEIR I4-8

The city needs to go with the no project alternative then make this two separate studies and approvals. Just the fact of allowing higher density, less parking in an area already dealing with traffic problems (some which are unmitigatable ie Oceanside Blvd and the I5 on and off ramps) and then reducing the lanes from 2 to 4 is insane

DEIR I4-9

Thank you for your time and including this  
In the DEIR  
Donna Geierman  
1221 S Nevada St  
Oceanside Ca 92054

**Letter  
DEIR I4  
Response****Donna Geierman  
July 28, 2017**

- 
- DEIR I4-001 This comment serves as an introduction to comments that follow. While this comment does not address the adequacy of the DEIR, the City appreciates this commenter for participating in the planning and environmental review process. This comment is included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I4-002 This comment expresses concern for the safety of residents in the coastal zone with the increased density allowed under the project and asks if a study has been prepared that evaluates the worse-case where the coastal zone boundary is maxed out. As discussed in Section 3.11, *Population and Housing*, of the DEIR, adoption of the Incentive District would provide optional regulations and standards that a developer or property owner may choose in lieu of the existing underlying zoning within the Incentive District boundaries. The Incentive District would allow for different types of residential, commercial, and mixed-use developments throughout the corridor. The intent of the Incentive District is to provide a stimulus in the project area and to encourage the type of development that the City would prefer in the project area. Implementation of the Incentive District could increase the rate and intensity of population growth in the area directly affected by the Incentive District (i.e., the Incentive District zone boundaries). However, the relative growth that could occur under the Incentive District could also occur with the implementation of current land use regulations, which allow for similar densities and intensities of development.

The DEIR and the PRDEIR properly examines traffic and other impacts based on a projection method which is used to address the anticipated future condition with implementation of the project. Table 2-1 of the DEIR and PRDEIR summarize the anticipated land use development that could occur with adoption of the Incentive District through the year 2035. CEQA does not require assessment of a maximum build (sometimes referred to as “buildout”) scenario. Due to regulatory constraints, physical constraints, and foreseeable market conditions, realization of this scenario is not reasonably foreseeable and is highly unlikely. Given the highly unlikely and speculative nature that a maximum build scenario would occur within the project area, this scenario was determined to be inappropriate for inclusion in the EIR. The growth forecast to 2035 is a reasonable growth projection and was used to examine project impacts. For purposes of comparison, Table 2-1 was revised in the PRDEIR to include estimates for projected development to 2035 without the proposed project, and with the proposed project within the Oceanside Coast Highway Project Area and the traffic analysis study area.

DEIR I4-003 This comment expresses concern about how the project would affect fire and police response times, parking and air quality. This comment then provides more detail on the concerns related to fire response times, but no specific comments are provided related to police, parking, and air quality within this specific comment.

This commenter states that the fire response times are below current standards. While the City does strive to maintain certain response times, it is not unusual for a City to not always attain the response time targets. This commenter states that the City does not have sufficient ladder trucks near enough the studied area. While it is true that the City has identified that a ladder truck housed closer to the downtown area would improve response times, it is not correct that the City does not have sufficient ladder trucks to serve the downtown. Rather, the primary reason the Fire Department is not meeting targeted responses times is because of high incident volume for Fire Stations 1 and 2 and that the high incident volume creates delays for second unit responses coming from other City of Oceanside fire stations (see bottom of page 3.12-1 of the DEIR).

This commenter incorrectly states that the DEIR states that since the need for the ladder truck already exists there is no need for mitigation. This is not the conclusion of the DEIR. The conclusion of the DEIR is that the proposed Incentive District would not cause an environmental impact related to the provision of public services to the study area. Not all affects to public services are considered environmental effects as defined by CEQA.

With implementation of the proposed project, when emergencies necessitate a ladder truck, support can be provided from Fire Station 7 (3350 Mission Avenue), Fire Station 6 (894 N. Santa Fe Avenue), or from within the city of Carlsbad and/or Camp Pendleton, as is the current condition. The delay in arrival of a ladder truck from a station farther away would continue to create less than optimal response times, but is an acceptable response time and service condition. Furthermore, affects to response times that might occur with implementation of the proposed project are not considered environmental effects. More specifically, the DEIR states the following on page 3.12-8:

*“While the City is planning on providing a location and structure/station for a ladder truck in greater proximity to the downtown area, the specific location, timing, and nature of this additional facility is not known at this time. While consideration of the environmental effects of these future safety facilities within the city would be speculative and is not within the scope of this CEQA document, the environmental effects of the future development of those facilities would be required to adhere to the requirements of CEQA when they are proposed in the future by the City of Oceanside.*”

*Because the current city facilities can serve the anticipated new population that could result with implementation of the Incentive District and within the downtown area from the existing stations and structures within the city, there is not a need for construction of a specific facility directly related to adoption of the Incentive District. For this reason, the project would not result in environmental impacts associated with the construction of new public safety facilities.”*

This commenter asks how many years have the taller buildings been in downtown and some additional detail on past City approvals. The Nine Block Master Plan was adopted in 1992, which set forth the design and development standards, including taller building heights, for the downtown area. Development of taller buildings have been implemented under the Nine Block Master Plan over the last 15 years and continues through today. This commenter also provides some additional specific input on how the provision of fire services should be provided to the downtown. While this portion of this comment does not make a specific reference to the DEIR, the Oceanside Fire Department was contacted for input and response to this commenter’s questions. On November 22, 2017, Fire Captain David Parsons responded: “The Oceanside Fire Department deploys fire equipment based on shared risk across the City. Ideally, a ladder truck would be placed in the downtown area for more rapid access to taller buildings using its specialized capabilities. While the City does not have a known location for a site to house the ladder truck, there are preliminary ideas and sites under consideration but no specific funding is currently identified. When considering development as it relates to general safety or natural disasters, new construction of any height improves the safety of the community due to the application of new fire codes and technology.”<sup>3</sup> No revision to the EIR is required in response to this comment.

DEIR I4-004 This comment states that while the Breeze Luxury project was analyzed as a cumulative project, the analysis did not include the additional need for a ladder truck, and also asks how natural disasters have been accounted for in allowing taller building heights. This comment states that allowing increased building heights in the downtown in conjunction with other similar cumulative projects would cause a danger to the public in this commenter’s opinion. This type of concern is not an environmental impact or issue areas as defined by CEQA. As well, when emergencies necessitate a ladder truck, support can be provided from Fire Station 7 (3350 Mission Avenue), Fire Station 6 (894 N. Santa Fe Avenue), or from within the city of Carlsbad and/or Camp Pendleton, as is the current condition. The delay in arrival of a ladder truck from a station farther away would continue to create less than optimal response times, but is an acceptable response time and service condition.

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<sup>3</sup> Email communication with David Parsons, Fire Captain at the Oceanside Fire Department, November 22, 2017.

In regards to emergency access and response during a natural event, Section 3.14, *Transportation and Traffic*, of the PRDEIR analyzed potential emergency evacuation access impacts with project implementation and concluded impacts would be less than significant with implementation of mitigation measures that require implementation of a Traffic Control Plan for temporary roadway interferences and/or closures. The Oceanside Fire Department would continue to be part of the design process of the Complete Streets improvements, ensuring that the lane reduction and new roundabouts would accommodate large fire engines and response times for emergency services. Coast Highway's reconfiguration would allow for heavy vehicle radii for turning and U-turns. The roundabouts would be constructed to allow access for semi-trucks, waste management trucks, and firetrucks. In addition, Coast Highway's center median would be constructed with low curbs, approximately two feet wide, to allow left turning access to fire trucks and police mid-block. Therefore, with mitigation incorporated, impacts to emergency access would be less than significant.

DEIR I4-005 This comment requests clarification on how long the City has been short-staffed as well as if the City has additional funds to hire more police officers and why additional police officers have not been hired already. Additionally, this comment asks where development funds go as there has been steady development and this issue has not been resolved. Similar to the Fire Department discussion above, while the City does strive to maintain certain response times for the Police Department, it is not unusual for a City to not always attain the response time targets. As discussed in Section 3.12, *Public Services*, of the DEIR, although the City is not meeting its response time goals for the Police Department, the shortfall is due to staffing levels rather than a shortage of facilities. However, staffing levels are largely an economic issue and if the City were to hire additional police personnel, existing facilities would be adequate to house these new personnel. Furthermore, affects to response times that might occur with implementation of the proposed project are not considered environmental effects but rather if project implementation would necessitate the construction of additional police facilities which would result in environmental effects. Therefore, the City's decision on the timing to allocate funds to the Police Department to hire additional officers is outside the scope of the environmental analysis required by CEQA.

While this commenter's request for clarification on how development fees are allocated and used does not address the adequacy of the environmental analysis in the DEIR, the City acknowledges the importance of disclosing City processes to the public. Simplistically, development fees are collected for a specific type of improvement and/or department where funds are solely used for the purpose of the development fees as predetermined by the City. Furthermore, as discussed in Section 3.12, *Public Services*, of the DEIR, because all future project applicants and private developers proposing residential and non-residential projects under the Incentive District would be required to pay the public facilities fee before the

issuance of a building permit, and these fees would be used to hire additional police officers to support additional development within the project area. To accelerate the City's ability of addressing these needs, the City has noted that the City's public facilities fees have not been updated in some time (other than consumer price index increases) and could consider evaluating the need to update the fees, which could allow for hiring additional police officers more quickly. No revision to the DEIR is required in response to this comment.

DEIR I4-006 This comment states that the DEIR states that with or without the Incentive District there could still be increased density and therefore no mitigation is required. While this comment does not specify what environmental topic the DEIR states would not require mitigation for the Incentive District, this commenter is incorrect in its statement if this commenter is referring to the public services analysis.

It is important to note that not all affects to public services are considered environmental effects as defined by CEQA. Under CEQA's definition of environmental impacts, increases in demands on public facilities, services, and utilities that could result from a project are not environmental impacts that must be evaluated (*City of Hayward v Board of Trustees of Cal. State Univ. (2015) 242 CA 4<sup>th</sup> 833, Section 6.36*). The conclusion of the DEIR is that the proposed Incentive District would not cause an environmental impact related to the provision of public services to the study area because the current city facilities can serve the anticipated new population that could result with implementation of the Incentive District. Furthermore, while there is an existing need for a ladder truck and associated facility as well as increased police officers, there is not a need for construction of a specific facility directly related to adoption of the Incentive District. For this reason, the project would not result in environmental impacts associated with the construction of new public safety facilities. No revision to the DEIR is required in response to this comment.

DEIR I4-007 This comment states that building heights of 45 feet are allowed under current zoning, which has parking requirements that the Incentive District does not, and asks if parking impacts to residents were analyzed. While this commenter is correct that there are differences in the parking requirements between the current zoning and the Incentive District, this difference is due to the Incentive District having parking standards in line with transit oriented development strategies, which corresponds to the type of development the City desires under the Incentive District.

While the analysis of parking is not required under CEQA, information regarding the change in the number and location of on-street parking spaces along Coast Highway between existing conditions, the proposed project, and the project alternatives is presented in Section 9.0 of the appendices of the revised TIA (2018) included in the PRDEIR, as summarized in the table below.

Segment	No Project	Project	Alternative 1	Alternative 2	Alternative 3
Harbor to SR-76	45	45	45	45	45
SR-76 to Wisconsin	199	149	149	149	149
Wisconsin to Oceanside	98	79	79	79	79
Oceanside to Morse	6	92	6	92	92
Morse to Vista	95	95	95	95	95
Corridor On-Street Parking Total	443	460	374	460	460

As shown in the table above, the proposed project and Alternatives 2 and 3 would increase the public on-street parking supply along Coast Highway from approximately 443 spaces to 460 spaces. In contrast, Alternative 1 would result in a reduction in overall on-street parking supply, because of the inability to add new on-street parking in Segment 4 between Oceanside Boulevard and Morse Street. The project, Alternative 2, and Alternative 3 do redistribute some on-street parking supply from segment 2 (SR 76 to Wisconsin Avenue) to segment 4 (Oceanside Boulevard to Morse Street). This redistribution of parking supply does not impact coastal access as both segments are equal distance to the coast. Furthermore, segment 2 has substantially more existing public parking resources that serve the coastal zone and beach areas than does segment 4, so a redistribution of this public parking supply may have a net benefit for beach access as well as for businesses located in South Oceanside.

DEIR I4-008 This comment expresses opposition to the project largely because the Incentive District and Complete Streets improvements should have never been included as one project in this commenter’s opinion. Additionally, this comment states that additional development should not be allowed until the City has addressed the public service needs and shows how development fees are used, especially for South Oceanside. Please refer to responses DEIR I4-003, DEIR I4-005, and DEIR I4-006 for response to this comment.

DEIR I4-009 This comment states that the City should approve the No Project Alternative and expresses opposition for the project. This comment does not address the adequacy of the DEIR and therefore, no specific response is required. The City appreciates this commenter for participating in the planning and environmental review process.

**From:** Jane Mcvey [mailto:mcveyjane@gmail.com]  
**Sent:** Monday, August 07, 2017 5:07 PM  
**To:** John Amberson <JAmberson@ci.oceanside.ca.us>  
**Subject:** RE: Coast Highway Plan

John,

Thank you for your reply. I am not in favor of 6 story buildings in South O. Let me tell you why:

1. In other towns, and Oceanside would be smart to follow suit, they decide where the height should be, generally in the downtown, and then don't allow it anywhere else until that goal is fulfilled. Oceanside should drive the height to the downtown.

DEIR I5-1

2. As a principle these days, higher density is more accepted near a transit station. South Oceanside is not at a Transit Station.

DEIR I5-2

3. The majority of homes are single family. Many of the homes are older, dating from the 40's. Most have a single car garage and some have no garage. Therefore there already is a lot of street parking.

4. Being near the beach, and with some existing and under construction multifamily projects being built, the parking issue is being exacerbated. As the downtown does build out, day trippers are going to more locations to access the beach and not pay for parking. There already is a significant amount of beach parking in the neighborhoods that residential in 6 story buildings, without adequate parking, would make worse.

DEIR I5-3

5. There are other properties in Oceanside that have long been considered for higher density and height. For example the Weiss property at Oceanside Blvd. and Crouch. It is next to a train station and has a significant hill behind it which can absorb the height. There are other properties along the Sprinter line that are also possible locations. Those should be moved first for more density before Coast Highway in South O.

DEIR I5-4

6. Some height in South O is anticipated. There are buildings, for example the former North County Times building, that could be redeveloped into a 3 story building with residential and some commercial on the ground floor. A three story building is not as imposing as a 6 story building would be, and would likely be accepted by the community.

DEIR I5-5

7. The changes in traffic patterns coupled with higher density is going to drive the traffic into the neighborhood. There already is a lot of cut through traffic. What proposals are being made to minimize and slow down the traffic in the neighborhood? Is a roundabout at Morse and Freeman possible as was discussed years ago?

DEIR I5-6

8. Is the City capable of helping the emerging South O' Merchants with more landscaping, crosswalks, banners and signage, and code enforcement? There have been code enforcement issues with excess signage, excess ingress limiting opportunities for landscaping, etc. for years with little progress.

DEIR I5-7

9. With the City going to district elections, is it time to consider Neighborhood Planning Groups to vet these issues prior to going to the Planning Commission or Council? As a unique coastal area, with

DEIR I5-7

**Comment Letter DEIR I5**

historic and vintage homes, South O is poised to be a residential jewel for many years to come, unless significant mistakes are made in the planning. It also is a highly visible neighborhood with committed, involved and vocal residents. It would possibly be more efficient in the long run, and provide better community input, if there were a Neighborhood Planning Group. These proposed changes affect primarily this neighborhood only, not the whole community, and their concerns and desires should have some priority.



DEIR I5-7

9. As a South O resident, I can certainly see 3 stories, but think it is inappropriate to allow six story buildings on Coast Highway between Cassidy and Whaley, or anywhere else in South O. Thank you for your consideration,  
Jane McVey



DEIR I5-8

**Letter  
DEIR I5  
Response****Jane McVey  
August 8, 2017**

- 
- DEIR I5-001 This comment expresses opposition of the proposed height limits included as part of the project. This comment does not raise any issue concerning the adequacy of the DEIR. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I5-002 This comment recommends higher density to be located near transit centers. This comment does not raise any issue concerning the adequacy of the DEIR and therefore does not require a response.
- DEIR I5-003 This comment expresses concerns regarding parking. Please refer to response DEIR I4-007 for the response to this comment.
- DEIR I5-004 This comment states that there are currently other properties outside of the Coast Highway corridor that should be considered for higher density and height before those parcels in the project area. Also, this comment states that while some additional height is anticipated in South Oceanside, it should be focused on 3-story buildings rather than 6-story buildings. This comment does not address the adequacy of the DEIR, therefore, no specific response is required.
- DEIR I5-005 This comment inquires about the City's efforts to minimize cut-through traffic in surrounding residential neighborhoods as well as the possibility for a roundabout to be installed at Morse Street and Freeman Street. The TIA (2017) contained in the DEIR and the revised TIA (2018) contained in the PRDEIR follows the City's traffic study guidelines. The TIA (2018) study locations included several parallel and intersecting streets and intersections that served the residential neighborhoods near the Coast Highway corridor. The purpose of including these intersections in the analysis was to identify potential impacts resulting from cut-through or diverted traffic, and the appropriate mitigation measures to address any impacts. As discussed in Section 3.14, *Transportation and Traffic*, of the PRDEIR, all significant traffic impacts would be reduced to less than significant, with the exception of four intersections (Coast Highway and Cassidy St; Oceanside Boulevard and I-5 Southbound On-/Off-Ramps (PM peak-hour); Coast Highway and Wisconsin Avenue; and Vista Way and I-5 Southbound On-/Off-Ramps) in the Future + Project scenario due to no feasible mitigation to fully mitigate the impacts at these four locations.

In regards to the possibility of a roundabout being installed at Morse Street and Freeman Street, a roundabout at this location has not been included in the proposed project and therefore, was not analyzed in the DEIR or PRDEIR.

- DEIR I5-006 This comment asks if the City would provide more landscaping, crosswalks, banners and signage, and code enforcement in the South Oceanside area of the city. As described in Chapter 2, *Project Description*, of the DEIR, roundabouts, mid-block crosswalks, and landscaping would be provided in South Oceanside (south of Oceanside Boulevard) under the proposed project. However, additional signage and code enforcement are not components included under the proposed project and are under the discretion of the City.
- DEIR I5-007 The City acknowledges this comment and notes its recommendation for neighborhood planning groups.
- DEIR I5-008 This comment disagrees with the allowance of six-story buildings under the project in South Oceanside. Please refer to response DEIR I5-001 for a response to this comment.

August 10, 2017

John Amberson  
Transportation Planner  
City of Oceanside CA 92054

RE: Coast Highway Corridor Study

My wife and I moved to Oceanside one year ago partially because of the downtown Oceanside feel. We have lived in planned communities with planned traffic flow and landscaping. I lived in Davis California for 8 years and thus appreciate a real bike oriented town. I lived overseas in a large city with numerous traffic circles. I say leave coast highway alone.

DEIR I6-1

Where will all the current traffic go? Racing along residential streets? An already congested I5? Why not make appropriate modifications to major arterials BEFORE reducing traffic flow on PCH? Are you willing to accept responsibility for deaths associated with increased emergency responder response time? One paramount responsibility of city planners is creating adequate emergency lanes for evacuation during earthquakes, disasters, emergencies and Tsunami. Reducing lanes from 4 to 2 will increase escape time by far more than double.

DEIR I6-2

Oceanside needs a fully developed, at least 20-30 year, master blue print with ALL consequences and ramifications for any and all anticipated development and improvements fully analyzed and planned. For every action there is a reaction and Oceanside must stand alone while considering short and long term consequences rather than typical governmental action of build and we can modify as needed.

DEIR I6-3

I understand the desire to enrich property owners but I fail to understand how reducing auto lanes will help businesses or property owners until compensating traffic relief is planned and completed. Increasing density with more dwellings and businesses will increase traffic not reduce traffic since the vast majority of residents will need to commute. Until either efficient effective public transportation is implemented cars will remain the mainstay in Southern California. The new residential units will cost millions and require six figure incomes and you will never have enough six figure jobs in your revitalized zone to support the new residences. Your dream to promote home, work, eating and entertainment is 60 years to late and will ultimately fail if you do not develop a supporting transportation system. Even with anticipated self driving cars auto traffic will be a fact of life since Oceanside and north San Diego county was not built around transportation. We have rail but we do not have an adequate supporting transportation system.

DEIR I6-4

Huntington Beach revitalized downtown into a commercial zone and lost its hometown feel. I know several residents that no longer visit the downtown area. Davis California is the bike capital of certainly California if not the entire US and having lived there I know Oceanside will never be a true bike town. If your desire to encourage everyone to ride bikes you will need to provide large areas for secure bike parking and add bike lanes over

DEIR I6-5

the entire city. Currently the San Luis Ray trail does not feed Coast Highway and bikes are far safer on quieter streets than a busy congested highway. My daughter was is a major bike accident in Davis when a car failed to obey a huge neon no right turn sign. UC Davis does not allow any autos on the main campus and everyone either bikes to campus or parks in large parking structures. Using bike as primary transportation for 8 years in Davis California I learned several things such as, all bikes were licensed, there were lots of bike to bike accidents, vehicle code violations were enforced, you needed a car to transport larger purchases, bike theft and bike parking were always problems. UC Davis has a bike traffic circle that has numerous bicycle accidents every day. I do not know one sport bicycle rider that has not experienced a severe injury from a bike on bike accident.



DEIR I6-5

Los Angeles recently tried reducing vehicle lanes for safety and atmosphere but created a nightmare for commuters resulting in tremendous increased traffic on local residential streets and significant increase in commute times . The lane diets required emergency vehicles to use residential streets increasing the potential for more accidents and increasing transit time. One goal was to reduce accidents but the accident rate increased significantly.

DEIR I6-6

One goal is to improve pedestrian and bicycle infrastructure with focus on safety and comfort. My wife and I walk downtown coast highway several times a week and I never fear for our safety since parked cars protect us. The only way to ensure pedestrian safety is to build pedestrian overpasses.

DEIR I6-7

How can one justify the millions of dollars to provide bike lanes when bikers pay no license nor registration fee and ridership is so low? The extremely low usage just adds insult to injury for all those stuck in traffic contributing to road rage, increased CO2, climate change and other pollutants. Many bikers do not obey and actually flaunt California vehicle code laws causing more problems.

DEIR I6-8

I believe it is impossible to provide pedestrian walkways, separate bike lanes, more parking, additional landscape, enhanced transit access and still have two lanes for autos.

My wife and I try to spend locally and eat at local restaurants. If you reduce the number of lanes on Coast Highway we will not longer support Oceanside and spend and dine outside the city.

DEIR I6-9

Beautifying downtown Oceanside is a fantastic idea creating more congestion is not.

Steven M Orme  
541 Fern Ridge Ct  
Oceanside CA 92058

**Letter  
DEIR I6  
Response****Steven M. Orme  
August 10, 2017**

- 
- DEIR I6-001 The City acknowledges this comment and notes this commenter’s opposition to modifications along Coast Highway. This comment does not raise any issue concerning the adequacy of the DEIR, therefore no specific response is provided.
- DEIR I6-002 This comment express concern over existing traffic conditions and inquires if the reduction in travel lanes along Coast Highway would provide adequate emergency evacuation routes and times. The TIA (2017) of the DEIR and the revised TIA (2018) of the PRDEIR follows the City’s traffic study guidelines. The TIA (2017 and 2018) study locations included several parallel and intersecting streets and intersections that served the residential neighborhoods near the Coast Highway corridor. The purpose of including these intersections in the traffic analysis was to identify potential impacts resulting from cut-through or diverted traffic, and the appropriate mitigation measures to address any impacts. Significant traffic impacts and their associated mitigation measures are identified and discussed in the TIA (2018) and in Section 3.14, *Transportation and Traffic*, of the PRDEIR. Furthermore, Section 3.14, *Transportation and Traffic*, of the PRDEIR discusses potential emergency evacuation access impacts with project implementation and concludes impacts would be less than significant with implementation of mitigation measures that require implementation of a Traffic Control Plan for temporary roadway interferences and/or closures. No revisions to the PRDEIR are required in response to this comment.
- DEIR I6-003 This comment expresses the need for the City to develop a long range planning document. This comment does not raise any issue concerning the adequacy of the DEIR. However, the City would like to refer this commenter to the City’s General Plan, which is available on the City’s website:  
<http://www.ci.oceanside.ca.us/gov/dev/planning/general.asp>.
- DEIR I6-004 This comment expresses general opposition and concerns regarding increased traffic congestion as a result of the project. The EIR addresses the potential for traffic congestion in Chapter 3.14, *Transportation and Traffic*, of the PRDEIR. It is not clear from this comment what other physical effects might occur related to changes in traffic patterns other than the effects analyzed in the EIR. For this reason, no further expansion or analysis is provided in response to this comment.
- DEIR I6-005 This comment provides background information on other cities where bicycles are heavily relied on as a mode of transportation and raises issues with bicycle transportation and parking. The City has prepared 30 percent preliminary engineering design plans as part of the Coast Highway Corridor Study, separate from the EIR process. Specific details related to the design of bicycle facilities

would be addressed by the City as part of subsequent design engineering phases of the project development process. Bikeway design would follow the design standards of the City and the Manual of Uniform Traffic Control Devices (MUTCD) California Edition.

- DEIR I6-006 This comment uses the City of Los Angeles' recent road diet for safety and atmosphere as an example showing that emergency vehicles had to use residential roadways, which resulted in more accidents and increased transit times, because of the roadway diet. Please refer to response DEIR I6-004 for the response to this comment.
- DEIR I6-007 This comment recommends considering building pedestrian overpasses along Coast Highway to address safety concerns for pedestrians. This comment does not raise any issue concerning the adequacy of the DEIR and no specific response is required.
- DEIR I6-008 This comment expresses opposition to the bike lanes proposed under the project. This comment does not raise any issue concerning the adequacy of the DEIR and no specific response is required.
- DEIR I6-009 The City acknowledges this comment as providing the conclusion of this comment letter, and appreciates this commenter for participating in this process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

Coast Highway Corridor Study EIR Comments  
Submitted by Joan Bockman

8/24/17

Overall, I think that studying the traffic issues without a full focus on the underlying land use changes (Nodes and Avenues) has led to an over reliance on certain findings. In my view, the correct Project summary is that “future traffic can be contained to current flows while greatly enhancing the quality of life along the corridor for the long term. “

Noise is examined in a small area and then given as a reason to rank the project lower. Noise overall is greatly improved for over a mile all the way to the crest of the hill on Horne via slower speeds and less opportunity for sustained acceleration of loud engines. Loud racing cars and motorcycles are a major issue at all hours of the night now.

The change from a 3-mile long wall of 45ft tall buildings at build-out to a potential skyline effect is a major aesthetic benefit for everyone. The ability to derail the current and persistent 3 mile long “strip mall” that is the current Coast Highway is priceless when compared to other areas that suffered this fate (El Cajon Blvd, lots of LA, most highway oriented towns).

The best situation for traffic west of I-5 is for it to move slowly but continuously. Slow and steady meets everyone’s needs. This project goes a long way toward making that happen.

It is important that these points are emphasized to decision makers. The study was limited by policy and this lack of focus on real benefit is the result. This project has the elements to define a bright future if implemented with respect to the complete original Vision.

The following issues need to be addressed because many of the public believe the opposite:

1. The back up “we can see” is not caused by the number of lanes. It is caused by the traffic signals, Sprinter train and stop signs. Please verify this.
2. Safety of Roundabouts – even if people can’t figure out how to use them, the severity of the accident is much less (a fender bender versus a lethal T bone).
3. Accessibility to businesses is enhanced with lower speeds. Having cars race past a business is not good regardless of the volume of cars passing.
4. The reason that many sections of Coast Highway have failed is #3 above. Expanding those areas that are now enjoying success will only exacerbate the “strip mall” effect and cause decline as has been seen in the past. Long-term success will only occur by breaking this cycle with the change to nodes and avenues.

Specific Comments:

I don’t see a comparison to the existing conditions at Bird Rock. I understand that the analytic models account for this but Bird Rock in La Jolla is something we can experience. I believe the volumes on La Jolla Blvd were very similar to Coast Highway before implementation. Are the volumes similar?

DEIR 17-1

DEIR 17-2

Also, the road widths are similar so what would it take to put in some of those exact roundabouts? Is it 6" of sidewalk/parkway or something more? It is not enough to say that the current curb is the boundary. We need to know what it would take to solve problems.

DEIR I7-3

Section S.4 – Reporting pro/con sentiments is not a scientific sample and should contain words to the effect that many people who understand the clear benefits of road diets and roundabouts also understand that this is just commenting on the EIR and not any type of quantifiable “vote.”

DEIR I7-4

Table S.2

NOI-1: Noise in general is mitigated by the dramatic drop in motorcycle and souped-up engine noise that will result from lower speeds and shorter opportunities to accelerate with the road diet. This noise permeates the hill between Oceanside Blvd and Seagaze. It may also be a factor across Mission. None of the noise measurements were taken farther up the hill than Ditmar. I suggest putting a microphone on the signal at Oceanside Blvd and Coast Highway to record loud vehicles.

DEIR I7-5

TR-1:

27. The existing traffic signal is LOS D but the delay (53s) is double the delay of a Roundabout (25s). The different standard for roundabouts makes them seem worse when in actuality they are better.

DEIR I7-6

Afternoon peak (PM peak) is the main time intersections fail. This is a very small part of the day (2 out of 24hrs). The percentage of time of fail is less than 10% and is measured in seconds and not even minutes. Since we do not want to be an alternative to I-5 traffic, this seems very reasonable.

DEIR I7-7

TR-2: not clear if this is during PM peak.

DEIR I7-8

TR-3: Emergency is only possibly impacted during construction and not once the project is complete.

DEIR I7-9

Table S-4:

TR-1:

Can I infer that the current test area between Oceanside Blvd and Morse is acceptable LOS since some part of the Alt2 area is the same design? (The analysis says that Alt1 and Alt2 are acceptable LOS.)

DEIR I7-10

2.3 Project Objectives

Implement the Coast Highway Vision and Strategic Plan:

The brilliance of this plan is that the length of Coast Highway is divided up between Nodes and Avenues. A major benefit of this is the increased economic value to business when they are no longer in a 3 mile long “strip mall.” This implies that commercial is in the nodes and not in the avenues. This also results in a “skyline” between the nodes where the avenues are much lower. The alternative to this skyline is an awful wall of buildings stretching for miles at build out. This is lost in the narrowing of the analysis to traffic only.

DEIR I7-11

2.4.2 Incentive District – see last page for complete notes and questions

The incentive plan does not seem to result in the skyline or the concentration of commercial.

Form based development is a great idea and should be implemented.

DEIR I7-12

3.1.2 Lighting

Current lighting standards are not enough to remove direct line of sight of streetlights from many streets away and up a hill. Only the lit area should see the light. Shielding should extend below the face of the light.

DEIR I7-13

3.1.3 Incentive District

p. 3.1-10

Nodal areas can go to 65ft with existing zoning of Avenues at 45ft. A 20ft difference is not a skyline. The loss of the potential skyline feature along Coast Highway is a major impact.

DEIR I7-14

3.9 Land Use

Height and density should be focused at Nodes.

3.10 Noise

The slower speed of the complete streets plan is a significant mitigation for engine noise that permeates the hill from Oceanside Blvd to Neptune.

DEIR I7-15

3.11 Population

We are going to grow by 1/3 of current population. Roughly  $150/3 =$  over 50K more people in Oceanside. What is the proper road configuration when there are just too many cars? Is it correct to prioritize livability over all else and construct roads that result in more walkable communities and much lower speeds for the excess of cars?

DEIR I7-16

3.14 Traffic and Transportation

“All existing intersections operate at LOS D or better”

There are newer alternative ways to analyze traffic that don’t use LOS. Would those metrics show a result where the complete streets are superior in most or all cases?

DEIR I7-17

Table 3.14-6

Almost all intersections show an improvement in the time of delay with the Project. The two that don’t show improvement can be solved by 2 lane roundabouts.

DEIR I7-18

Table 4-2

The Belvedere and 1010 are the same project (#4 and #31)

DEIR I7-19

5.5 Environmental Analysis of “No Project”

This fails to consider the future failures of Aesthetics and Land Use (degradation to strip mall with associated loss of landscaping as has been seen many times), Noise unabated, Transportation missing modes, and general lower quality of life.

DEIR I7-20

5.6 and 5.7

Signals at Morse or Oceanside Blvd are unacceptable because they cause back up and stop free flow. The accumulated slug of cars then impacts the next section. Traffic Signals in advance of roundabouts or lane diets result in lower functioning due to the massing of the cars. This is seen today in the pilot project area.

DEIR I7-21

5.10

No project means no reduction in overall noise and no reduction in severe accidents (cars and pedestrians). Also means no improvement in commercial viability and quality of life.

DEIR I7-22

2.4.2 Incentive District (complete notes and questions)

The incentive plan does not seem to result in the skyline or the concentration of commercial.

Allowing the existing zoning would corrupt an avenue. The skyline feature would be lost. Many cities have developed corridors under the system we are trying to stop. Left alone, these areas devolve into an endless string of lower end retail and missing landscaping.

DEIR I7-23

3c. Remove mixed use and commercial. Should be office and residential. Auto related is discouraged. Four gas stations in the entire corridor is enough. Currently have 7.

Form based design is a good idea – with the following changes.

1201 Purpose

C.3 Residential is main focus, residential-only is preferred.

Hide gas stations behind bigger developments and in/near parking structures.

DEIR I7-24

1203 A. Ok if standards that protect adjacent neighborhoods are in place: protection of parkways, height limits, etc.  
Administrative approval has resulted in uninformed decisions already. Better to have more eyes on it.  
Maps 2 and 3 are too faint to tell where the Nodes and Avenues actually are.  
An Avenue setback of 20ft seems wide given it is on Coast Highway. I may not understand the application.  
Setbacks on alleys (5ft) often result in little cubby spots for homeless. Better to be flush.

DEIR 17-24

1206  
Table 2 – allow only live/work uses. Are all these permitted uses allowed in the row homes on north Cleveland and Tremont?  
D2 Prohibit drive throughs west of I-5 in the future. In any case, they should be hidden like gas stations.  
D3 prohibited in Nodes and should be prohibited in Avenues too.

DEIR 17-25

Table 3 – Allow row homes in Avenues on Coast Highway (but not in Seaside or South O east of Coast Hwy), no need for side access. I may be misunderstanding this category.  
Nodes average height is 55' that is fine but higher areas should not span the width of the building. That would make the entire building look like it is at the limit from certain angles.

1208 D – Prohibit flat roofed boxes. Also the spine of the building needs to be considered. The 9-block master plan area in downtown Oceanside is a sea of 7 story boxes because the architectural detail is lost when viewed from up on the hill. All that appears is the spine of the roof and that effect is a box.

1208 D.2 Live/work – alley access should always be required if alley exists. No curb breaks for cars (curb breaks are ok for bioswales).  
D 1,2,4 and 5 (with 3 story max) ok for Avenues; 3, 6-10 not ok for Avenues  
E Remove reference to Avenue on 3, 6-10  
E.8 – It seems that allowing this would just condone 7/11 and Circle K stores.

DEIR 17-26

1209 C.2 Residential of 9ft ceiling is more comfortable.  
C.3.h – good, must use alley  
C.3.i – why can't there be street parking in Avenues? Perhaps not fully including the Avenue design in the analysis of traffic has caused confusion. Also, the benefits of Avenues may not be appreciated.  
C.7 Roofs – no flat roof or roof deck unless (really) superior architecture. Need limits on roof decks and enclosed stair landings. These are really ugly and rarely used in almost every case.

1212.2  
W. Sidewalks – shall be paved in square sections and never in the suburban rectangles reminiscent of development from 1970 on.  
X. Parkways – parkways shall occur next to curbs, sidewalks do not abut curbs except in 4ft widths at intersections.

DEIR 17-27

**Letter  
DEIR I7  
Response****Joan Bockman  
August 24, 2017**

- 
- DEIR I7-001 The City acknowledges this comment expresses the opinions of this commenter regarding issues related to traffic, noise, aesthetics. This comment also expresses concern that members of the public are not clear on the benefits of the Complete Street Improvements, including the reduction in traffic lanes, safety of roundabouts, and accessibility to businesses. The EIR analyzes these issues in Chapters 3.1, *Aesthetics*, 3.10, *Noise*, and 3.14, *Transportation and Traffic*, and discusses the relationship between the proposed project and the Coast Highway Corridor Vision Plan in Chapter 2, *Project Description*, and Section 3.9, *Land Use and Planning*. The City appreciates this commenter’s input on the project. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I7-002 This comment states that no comparison to the existing conditions in Bird Rock was provided in the DEIR and asks if the traffic volumes are similar between the two cities. The TIA assessed conditions related to the proposed project within its current and forecast future setting. Comparisons to other projects are not required as part of the environmental analysis required by CEQA. No specific response is required.
- DEIR I7-003 This comment inquires what design specifications are required to install the exact roundabouts located in Bird Rock into Coast Highway. The City has prepared 30 percent preliminary engineering design plans as part of the Coast Highway Corridor Study, separate from the EIR process. The project design process, which would occur following certification of EIR, would include development of appropriate roadway and streetscape designs to accommodate all modes of transportation, including pedestrian, bicyclists, and bus operations in addition to vehicles, as well as specific conditions related to sidewalk/parkway width and curb locations. Because this comment does not raise any issue concerning the adequacy of the DEIR, no specific response is required.
- DEIR I7-004 This comment expresses the opinions of this commenter regarding Section S.4, *Summary of Known Controversial Issues*, of the DEIR. The concerns raised by this commenter are included in this FEIR for consideration by the City prior to making a final decision on the project. This commenter notes that the statements included in Section S.4. should not be considered a quantifiable “vote.” This commenter is correct. This comment does not raise any issue concerning the adequacy of the DEIR and therefore no specific response is required.

DEIR I7-005 This comment expresses concern about noise levels along Oceanside Boulevard, Seagaze Drive, and Mission Avenue, especially as noise generated by motorcycles. Maximum noise levels are generated from loud traffic noise sources such as motorcycles and heavy trucks accelerating; however, these noise levels are instantaneous, short-term and dissipate as these sources move away from the stationary receptor. Therefore, traffic noise impacts are assessed based on daily traffic volumes. Existing and future roadway noise levels were calculated for 54 roadway segments located in the project area based on existing and future traffic volumes reported in the revised TIA (2018) prepared in support of the PRDEIR, and compared to determine the net traffic change due to the project and whether the change would exceed the significance threshold of a 5 dBA increase. Ambient noise measurements were conducted at six representative locations along the Coast Highway project corridor, at the noise-sensitive land uses (i.e., residences) nearest to project intersections of the corridor, to establish conservative ambient noise levels.

As shown in Section 3.10, *Noise and Vibration*, as updated in the Chapter 2, *Errata*, of the PRDER, Future with Project traffic noise levels (due primarily to redistribution of traffic volumes from lane reduction along the Coast Highway corridor) compared to Future without Project traffic noise levels would increase in some locations. Of these increases, the only significant increase would be along the roadway segment of Michigan Avenue east of Coast Highway. Because of the configuration of existing land uses in this area, this impact could not be avoided with implementation of the project. Specifically, vehicles traveling on this roadway segment access driveways of existing residential and commercial uses along this roadway segment. Thus, the addition of sound walls or other attenuation approaches are not feasible in this location. Traffic noise impacts would be significant and unavoidable along this roadway segment.

DEIR I7-006 This comment states that different standard for roundabouts makes them seem worse when in actuality they are better as the existing traffic signal is LOS D but the delay (53 seconds) is double the delay of a roundabout (25 seconds). The Federal Highway Administration (FHWA) Highway Capacity Manual (HCM) traffic analysis methodology has established industry standards for the thresholds to determine level of service at traffic signals and roundabouts based on the observed average vehicle delay. The TIA (2017) included in the DEIR and the revised TIA (2018) included in the PRDEIR followed these industry standard guidelines for determining traffic impacts at both types of intersections.

DEIR I7-007 This comment states that while under TR-1 Intersection 27 would have a significant impact during the PM peak hours in the Future plus Project Scenario, this impact would only occur during two hours of the day and would result in a delay of seconds not minutes. While this commenter is correct in its characterization of the traffic impacts determined for Intersection 27 in the TIA (2017) for the DEIR, new traffic impacts were determined based off the revised

TIA (2018) prepared for the PRDEIR in 2018. The revised TIA (2018) followed the FHWA HCM traffic analysis methodology, which has established industry standards for the thresholds to determine level of service at traffic signals and roundabouts based on the observed average vehicle delay. Similar to the TIA (2017) prepared for the DEIR, the revised TIA (2018) also concluded that impacts to Intersection 27 would be significant under the Future + Project scenario, with an increase of approximately 202 seconds from existing conditions. However, the PRDEIR incorporated mitigation for Intersection 27 in the Future + Project Scenario, which would reduce potential significant impacts to this intersection to a less than significant level.

- DEIR I7-008 This comment states that it is unclear if the impacts described under Impact TR-2 would occur in the PM peak hours. While Table 3.14-6 in Section 3.14, *Transportation and Traffic*, of the DEIR accurately showed that the significant and unavoidable impacts would occur during PM peak hour, new traffic impacts were determined based off the revised TIA (2018) prepared for the PRDEIR in 2018. As discussed in Section 3.14, *Transportation and Traffic*, of the PRDEIR, all significant traffic impacts would be reduced to less than significant, with the exception of four intersections (Coast Highway and Cassidy St; Oceanside Boulevard and I-5 Southbound On-/Off-Ramps (PM peak-hour); Coast Highway and Wisconsin Avenue; and Vista Way and I-5 Southbound On-/Off-Ramps) during the PM peak hours in the Future + Project scenario.
- DEIR I7-009 This comment states that, in relation to Impact TR-3, emergency [access] is only possibly impacted during construction and not once the project is complete. It is unclear whether this comment is asking a question or making a statement of belief. As discussed in Section 3.14, *Transportation and Traffic*, of the PRDEIR, a Traffic Control Plan would be required during construction to implement provisions to ensure that the construction does not interfere unnecessarily with the work of other agencies such as emergency service providers, mail delivery, school buses, and municipal waste services. Emergency access would not be impacted during construction of the proposed project. Furthermore, it is not anticipated that the project would affect emergency services or other agencies during operation as the PRDEIR states.
- DEIR I7-010 This comment asks for clarification on if the traffic pilot area between Oceanside Boulevard and Morse Street is currently operating at an acceptable LOS since Alternative 1 and 2 would include that area and were determined to operate with acceptable LOS. Per CEQA Guidelines, the TIA (2017) and the revised TIA (2018) analyze the existing condition for traffic conditions within the study corridor. The lane narrowing pilot project noted in this comment is a temporary pilot project, and as such is not appropriate for use as the existing condition for CEQA analysis.

- DEIR I7-011 This comment expresses support for the project objective that aims to implement the Coast Highway Vision and Strategic Plan as well as for the Incentive District, especially the different heights and densities in the Avenues and Nodes. Because this comment does not address the adequacy of the DEIR, no specific response is required. The City appreciates this commenter’s support and participation in this process.
- DEIR I7-012 This comment directs the reader to the specific comments on the Incentive District at the end of this comment letter and offers support for form based development. Specific responses to the specific comments on the Incentive District are provided below in responses DEIR I7-23 through DEIR I7-27.
- DEIR I7-013 This comment states that current lighting standards are not enough to remove direct line of sight of streetlights from many streets away and up a hill and that shielding should extend below the face of the light. Section 3.1, *Aesthetics*, of the DEIR and PRDEIR states all new sources of light would be required to comply with the City’s Municipal Code Chapter 39, which includes design measures to prevent light pollution, as well as the Incentive District’s development standards for lighting. Compliance with all applicable and required regulations would reduce any light impacts to less than significant.
- DEIR I7-014 This comment states that the 20-foot height difference between the maximum building heights in the Avenues and Nodes doesn’t create a skyline and should be considered a significant impact. As discussed in Section 3.1, *Aesthetics*, of the DEIR and PRDEIR, the Incentive District would establish regulations intended to promote high-quality urban and architectural design and variability of massing and height, emphasizing the design of the interface between the private and public realms. Therefore, as projects are submitted to the City for approval under the Incentive District, the City’s planning process would ensure that building heights are varied to avoid a tunnel effect in the Node areas.
- This comment also states that height and density should be focused in the Nodes. As described in the Chapter 2, *Project Description*, of the DEIR, the Nodes are the areas of the Incentive District which allow for the highest building heights and greatest densities.
- DEIR I7-015 This comment states that the resulting slower speeds the would result from the proposed project would serve as a type of mitigation for the existing loud engine noise that permeates from the Oceanside Boulevard to Neptune Way. While slower engines speeds are not considered a mitigation measure for traffic noise levels in the EIR, the decrease in traffic noise levels due to the project could be considered a secondary benefit of the project. Because this comment doesn’t address the adequacy of the DEIR, no specific response is required.
- DEIR I7-016 This comment inquires at what point population growth in the city will become too great for the current roadway configuration to support and states it is

important to prioritize livability with walkable communities over cars. Because this comment does not address the adequacy of the DEIR, no specific response is required.

- DEIR I7-017 This comment states there are alternative methods to the level of service (LOS) method to analyze traffic impacts and asks if a different method would show that the Complete Streets improvements would be superior to existing conditions. The TIA (2017) contained in the DEIR and the revised TIA (2018) contained in the PRDEIR used the traffic study guidelines currently adopted by the City, which uses the LOS methodology. The revised TIA (2018) also includes a vehicle miles traveled (VMT) analysis for reference, as the City does not have an adopted methodology or impact thresholds established for this type of analysis. As shown in Section 3.14, *Transportation and Traffic*, of the PRDEIR, the VMT analysis showed the Future Conditions + Project scenario generates a lower VMT per capita by approximately 10 percent when compared to the baseline Future Conditions without Project condition. This result is expected as the project seeks to promote smart growth with strategies such as encouraging and emphasizing multi-modal transportation to increase access and mobility.
- DEIR I7-018 This comment states that almost all study intersections show an improvement in the time of delay with the project and the two intersections that don't show improvement can be solved by installing 2-lane roundabouts. While this commenter is correct in its comment on the DEIR, based off the revised traffic analysis in the revised TIA (2018) and PRDEIR, new traffic impacts and mitigation for the project have been identified. As discussed in Section 3.14, *Transportation and Traffic*, of the PRDEIR, all significant traffic impacts would be reduced to less than significant, with the exception of four intersections (Coast Highway and Cassidy St; Oceanside Boulevard and I-5 Southbound On-/Off-Ramps (PM peak-hour); Coast Highway and Wisconsin Avenue; and Vista Way and I-5 Southbound On-/Off-Ramps) in the Future + Project scenario. Of these four intersections, installation of a two-lane roundabout was identified to be the necessary mitigation for the intersection at Coast Highway and Wisconsin Avenue to fully reduce impacts to a less than significant level. However, this measure was determined to be infeasible by the City due to the amount of private right-of-way that would need to be acquired to accommodate these larger roundabouts. Therefore, the significant and unavoidable impacts would remain at the intersection at Coast Highway and Wisconsin Avenue.
- DEIR I7-019 This comment identifies that the cumulative projects, the Belvedere (#4) and the 1010 (#31), listed in Table 4-2 are the same project. This comment is correct in identifying the duplicate projects in Table 4-2, Cumulative Projects within the Project Area. The reference to the 1010 Oceanside project has been removed from Table 4-2 in the EIR contained in Volume 3 of this FEIR; however, this revision is a minor textual changes and does not change the impact conclusions of Chapter 4, *Cumulative Impacts*, of the DEIR.

- DEIR I7-020 This comment states that the DEIR failed to consider the future failures of Aesthetics and Land Use (degradation to strip mall with associated loss of landscaping as has been seen many times), Noise unabated, Transportation missing modes, and general lower quality of life associated with the No Project Alternative. Chapter 5, *Alternatives*, of the DEIR and PRDEIR included a comprehensive analysis of the No Project Alternative, where the project area would remain as is under existing conditions. The No Project Alternative did not evaluate the potential for the conditions of the project area to worsen as that would be speculative in nature as it cannot be determined at this time if the City would or would not allow those conditions to decrease. The analysis of the No Project Alternative is in compliance with the requirements of the CEQA Guidelines. No revision to the EIR is required in response to this comment.
- DEIR I7-021 This comment states that traffic signals at Coast Highway and Morse Street and Coast Highway and Oceanside Boulevard are unacceptable because they cause back up and stop free flowing traffic conditions. The TIA (2017) contained in the DEIR and the revised TIA (2018) contained in the PRDEIR followed the City’s traffic study guidelines. Per the City’s traffic study guidelines, traffic signals were determined to provide an improved level of service during the AM and PM peak hours at these two intersections. No revision to the EIR is required in response to this comment.
- DEIR I7-022 This comment states that the No Project Alternative would not reduce noise and vehicular and pedestrian accidents and no improvements would occur. This commenter is correct that under the No Project Alternative, the project changes in the circulation pattern would not occur, which would not increase traffic volumes on some roadways segments, and thereby not increase traffic noise on these segments. This commenter is also correct that no improvements, such as mid-block crosswalks, raised medians, continuous bicycle lanes, or enhanced streetscaping would be provided.
- DEIR I7-023 This comment states that implementation of the Incentive District would not lose the skyline, not concentrate commercial uses, and cause the project area to become a string of lower end retail with no landscaping. This comment also requests that mixed use and commercial uses be removed in favor for residential and office uses in the Incentive District area. Because this comment does not address the adequacy of the DEIR, no specific response is required.
- DEIR I7-024 This comment provides suggestions on changes to the form based development portion of the Incentive District. Because this comment does not address the adequacy of the DEIR, no specific response is required.
- DEIR I7-025 This comment provides suggested changes to Table 2 in the Incentive District. Because this comment does not address the adequacy of the DEIR, no specific response is required. The City appreciates this commenter’s input on the design

guidelines of the Incentive District and this comment is included in the FEIR for consideration by the City prior to a final decision on the project.

DEIR I7-026 This comment provides suggested changes to the type of residential and live/work development and parking allocations in each area allowed under the Incentive District. Because this comment does not address the adequacy of the DEIR, no specific response is required. The City appreciates this commenter's input on the design guidelines of the Incentive District and will include this comment in the FEIR for consideration by the City prior to a final decision on the project.

DEIR I7-027 This comment provides design specifications for sidewalks and parkways in the Incentive District area. Because this comment does not address the adequacy of the DEIR, no specific response is required. This comment is included this FEIR for consideration by the City prior to a final decision on the project.

## Comment Letter DEIR I8

From: lisa hamilton [<mailto:skilisa@hotmail.com>]  
Sent: Thursday, August 24, 2017 1:50 PM  
To: City Council <[Council@ci.oceanside.ca.us](mailto:Council@ci.oceanside.ca.us)>  
Subject: Objections to DEIR

I very much object to the hazy nature of the DEIR. Very few numbers are given on which to make a good choice and many outcomes seem very unlikely. I particularly worry about the accuracy of traffic predictions under any alternative.

1. Traffic calculations were made in 2013, before the lane narrowing pilot project. The EIR does not account for backups because of the lane narrowing and the cost of lost business to companies in the dip and also leading up to it.  
2. No dollar cost estimate was given to build even one roundabout, never mind 12. Construction is said to last until perhaps 2030. The loss of business because of roundabout construction disruption of ALL traffic will be incalculable.

3. No impact is foreseen for incentive districts. How can we add thousands of living units along Coast Highway with  
a) no impact on traffic,

b) no impact on parking in the neighborhoods because buildings are allowed without adequate parking because they are close to transit.

c) no requirements for additional city services and infrastructure.

4. The F and D LOS foreseen at Wisconsin, and Cassidy St, because of the desire for "Complete Streets" the whole length of Coast Highway is unacceptable when a stoplight at the already signalized intersections would allow much better traffic flow. This is sacrificing actual people's everyday movement for a dream of "Complete Streets" It could easily force traffic to go another town to the beach rather than deal with Oceanside's traffic snarls.

5. "Form based Planning" in the so called Incentive Zones should not be allowed. The City should stick to resident monitored projects which are passed through our regular zoning codes and the Planning Commission.

Administrative Approval by a Planner should not happen. it is an incentive for ignoring neighborhood wants and citizen participation and is open to misuse...as witnessed by the 3rd story roof decks which are not allowed in current zoning.

6. The Mission Avenue renewal has not been an astounding business success. We do not have stores fighting for space, the only places people walk to are Dairy Queen and Mission Bar and Grill. Why should this be any different? Bird Rock, often referred to as a comparison, has not become the thriving place downtown LaJolla is where 4 lanes of traffic are still flowing. Solana Beach and El Cajon have narrowed but not eliminated travel lanes and planted street trees for beautification. Why not follow their examples?

Lisa Hamilton  
323 S. Ditmar St.  
Oceanside, CA 92054

Sent from my iPad

DEIR I8-1

DEIR I8-2

DEIR I8-3

DEIR I8-4

DEIR I8-5

**Letter  
DEIR I8  
Response****Lisa Hamilton  
August 24, 2017**

DEIR I8-001 This comment questions the level of detail provided in the DEIR and states that the financial implications for the Complete Streets improvements have not been provided. In accordance with Section 15146 of the CEQA Guidelines, the degree of specificity required in an EIR corresponds to the degree of specificity of the underlying activity being analyzed in the EIR. Because the proposed project is anticipated to occur over through 2035, the level of specificity, including the financial costs of the various components of the proposed project, is high-level at this time, where a greater level of specificity would be determined at the time of implementation. To provide a greater level of specificity than what was presented in the DEIR would be too speculative at this time and would not be aligned with the purpose of CEQA. Therefore, the level of specificity included in the DEIR is appropriate for the proposed project and satisfies the requirements of CEQA. Furthermore, project cost is not required to be analyzed in the DEIR per CEQA Guidelines. The City would prepare detailed construction and design plans for the Coast Highway corridor as part of subsequent phases of project development. These efforts would examine construction conflicts and would provide an appropriate plan to minimize any potential conflicts.

This comment also states that the TIA (2017) and DEIR do not account for the lane narrowing pilot project currently in effect. Per CEQA Guidelines, the TIA (2017) and the revised TIA (2018) analyze the existing condition for traffic conditions within the study corridor. The lane narrowing pilot project noted in this comment is a temporary pilot project, and as such is not appropriate for use as the existing condition for CEQA analysis.

DEIR I8-002 This comment inquires how there would be no impacts to traffic and parking with implementation of the Incentive District, which would add thousands of more residents in the project area.

Traffic impacts as a result of the proposed project land use and roadway changes as identified in the TIA (2017) and DEIR as well as the revised TIA (2018) and PRDEIR. As discussed in Section 3.14, *Transportation and Traffic*, of the PRDEIR, significant traffic impacts would be reduced to less than significant, with the exception of four intersections (Coast Highway and Cassidy St; Oceanside Boulevard and I-5 Southbound On-/Off-Ramps (PM peak-hour); Coast Highway and Wisconsin Avenue; and Vista Way and I-5 Southbound On-/Off-Ramps) in the Future + Project scenario because no feasible mitigation is available to fully mitigate the impacts at these four locations.

In addition, while analysis of parking demand and parking impacts is not required per the CEQA Guidelines, please refer to response DEIR I4-007 for the response to this comment.

- DEIR I8-003 This comment asks if installing roundabouts in place of traffic signals in order to establish Complete Streets is worth decreasing the LOS of the intersections of Coast Highway with Wisconsin Avenue and Cassidy Street. This comment does not address the adequacy of the DEIR and therefore, no specific response is required. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I8-004 This comment expresses opposition to the “Form Based Planning” component of the Incentive District and states that projects should continue to be approved through the existing zoning code and Planning Commission. This comment does not address the adequacy of the DEIR and therefore, no specific response is required.
- DEIR I8-005 This comment provides comparisons to Bird Rock and La Jolla, Solana Beach and El Cajon, and requests that lanes be narrowed but not eliminated with additional streetscaping. The EIR assessed conditions related to the proposed project within its current and forecast future setting. The proposed project is based on the improvements identified in the Coast Highway Vision and Strategic Plan, previously prepared as an advisory document by the City. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project. The City appreciates this commenter’s participation in the planning and environmental review process.

August 24, 2017

Arleen Hammerschmidt  
2390 Ivy Rd.  
Oceanside, CA 92054

Oceanside City Council, City Manager, City Attorney  
300 N. Coast Highway  
Oceanside, CA 92054

COMMENTS ON COAST HIGHWAY PROJECT

**Keep Oceanside Real & Beachy – Keep the Soul of Oceanside!**

Dear City Council,

I am writing to you to about the Coast Highway Corridor Project because: *I'm very concerned about public input, safety, emergency access, gridlock, and parking.*

I DO NOT WANT:

- 'By-right' approval of Planning Department
- Developer incentives
- No parking requirement for residential 2A
- One lane in each direction in South Oceanside
- 65 foot tall building on Coast Highway (36 feet is tall enough)
- Administrative approvals for projects
- Roundabouts (which are, as yet, unstudied re. traffic volume, emergencies, size of vehicle)
- I-5 Traffic backing up because Coast Hwy. Is slower and worse
- Coast Hwy. backing up while waiting for delivery trucks to unload
- Traffic backing up while waiting for Transit busses to load/unload
- Unsafe neighborhoods due to cut-through traffic in the neighborhoods near Coast Hwy.
- Those doing business at Coast Hwy. to park 1-2 blocks away from the business

I DO WANT:

- ✓ Government BY the people (not 'By-right' of Planning Department)
- ✓ ZERO DEVELOPER INCENTIVES
- ✓ More public input in the process rather than less: Planning Commission approval
- ✓ Planning Commission, public notice, hearings and approval must be included
- ✓ Coast Hwy. building height same as that currently on Coast Hwy.
- ✓ Parking adjacent to businesses on Coast Hwy.
- ✓ Safe & low volume traffic in neighborhoods near Coast Hwy.

DEIR I9-1



- ✓ Lighted crosswalks on Coast Highway at Loma Alta, Whaley St., Kelly St., Eaton St., Eucalyptus, West, Minnesota
- ✓ Four (4) lanes of Coast Hwy. through Oceanside
- ✓ California native plants for street/shade trees
- ✓ Planted medians where possible; using California native plants
- ✓ More bike racks
- ✓ Complete the Rail Trail for bikes, including over Loma Alta Creek (much safer for everyone than bike lanes on Coast Hwy.)
- ✓ More unrestricted public parking downtown



DEIR I9-1

MY QUESTIONS:

1. How is "By-right" Planning Department approval "government by the people"?
2. Where will residents park if there is no parking requirement for residential 2A?
3. How will developer incentives help us keep the soul of Oceanside (Beachy and Real)?
4. How do 65ft. buildings on Coast Highway affect Oceanside's beachy image that draws so many visitor?
5. How will these roundabouts effect traffic volume, emergency response time, and size of vehicle that can navigate the roundabouts?
6. What will traffic volume on side streets become when Coast Highway is blocked or slowed?
7. Where will shoppers park when doing business on Coast Highway?
8. How would pedestrians be safer with lighted crosswalks on Coast Highway at Loma Alta, Whaley St., Kelly St., Eaton St., Eucalyptus, and West, Minnesota?
9. How much money can be saved landscaping with California native plants in medians/sidewalks as shade, etc.?
10. How would providing bike racks increase shopping revenue?
11. How will completing the Rail Trail for bikes increase biking safety in Oceanside?
12. **How does this plan accommodate the needs of our aging Baby Boomer population?**



DEIR I9-2

DEIR I9-3

DEIR I9-4

DEIR I9-5

DEIR I9-6

Thank you for understanding my concerns, and answering my questions.

Sincerely,

Arleen Hammerschmidt

2390 Ivy Rd.

Oceanside, CA 92054

**Letter  
DEIR I9  
Response****Arleen Hammerschmidt  
August 24, 2017**

DEIR I9-001 This comment raises economic, social, or political issues that do not relate to potential effects of the proposed project on the environment. This comment does not address the adequacy of the DEIR and, therefore, no specific response is required. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

DEIR I9-002 This comment questions residential parking requirements for residential 2A and how the increased building height would continue the “beachy” character of the project area. While analysis of parking demand and parking impacts is not required per the CEQA Guidelines, please refer to response DEIR I4-007 for the response to this comment.

Section 3.1, *Aesthetics*, of the DEIR and PRDEIR evaluated potential impacts resulting from implementation of the Incentive District on the existing visual character and quality and concluded that impacts would be less than significant. Furthermore, consistent with the overall ideas in the City’s Vision Plan, the Incentive District would establish regulations intended to promote high-quality urban and architectural design and include general architectural standards that include, but are not limited to, standards on pedestrian paseos, lighting, raised terraces, large windows on storefronts, facades and frontages, and streetscaping. All of these are intended to improve the overall visual quality and character of the area.

DEIR I9-003 This comment asks how the installation of roundabouts would affect traffic volumes both on Coast Highway and surrounding streets, emergency response times, and the size of the vehicles that can navigate the roundabouts. Please refer to response DEIR I4-004 and DEIR I5-005 for the response to this comment.

DEIR I9-004 This comment inquires where shoppers would park when visiting stores along Coast Highway. Please refer to response DEIR I4-007 for the response to this comment.

DEIR I9-005 This comment asks how the installation of lighted crosswalks in the Coast Highway corridor would increase public safety. A lighted crosswalk provides additional visibility and awareness for drivers and pedestrians when compared to non-lighted crosswalks. In addition, the corridor is expected to experience reduced vehicle speeds through the use of bulb outs and other design elements, further increasing pedestrian safety.

This comment also raises questions on secondary financial aspects of the project. Project costs, direct and indirect, are not required to be analyzed in the DEIR per CEQA Guidelines. The City would prepare detailed construction and design plans for the Coast Highway corridor as part of subsequent phases of project development and could choose at that time to disclose project costs.

DEIR 19-006 This comment expresses concern for the aging “Baby Boomer” population. This comment does not raise any issue concerning the adequacy of the DEIR and therefore no specific response is required. The City appreciates this commenter’s participation in the process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

**From:** Jane Marshall [mailto:jmarshall@bps.net]  
**Sent:** Friday, August 25, 2017 9:32 PM  
**To:** John Amberson <JAmberson@ci.oceanside.ca.us>  
**Cc:** Jeff Hunt <JHunt@ci.oceanside.ca.us>; Russ Cunningham <RCunningham@ci.oceanside.ca.us>; David DiPierro <DDiPierro@ci.oceanside.ca.us>; Deanna Lorson <DLorson@ci.oceanside.ca.us>; City Council <Council@ci.oceanside.ca.us>; Michelle Skaggs Lawrence <mlawrence@ci.oceanside.ca.us>  
**Subject:** Re: Coast Hwy EIR Review-Request for Clarifications

Thanks John, and all,

Please note the link to the Aug article in SD Magazine on Oceanside - a positive spin for Oceanside and also predicts more growth as one of 3 underdeveloped beach communities in So Cal. It seems to represent local sentiments pretty well. Perhaps we ought not use the past to represent our future...

<http://www.sandiegomagazine.com/San-Diego-Magazine/August-2017/The-Oceanside-Revolution/>

Kindly, Jane Marshall

DEIR I10-1

On Fri, Aug 25, 2017 at 9:22 AM, John Amberson <JAmberson@ci.oceanside.ca.us> wrote:

Jane –

Staff responses are in red below.

Thank you,

John

**From:** Jane Marshall [mailto:jmarshall@bps.net]  
**Sent:** Wednesday, August 23, 2017 4:23 PM  
**To:** John Amberson <JAmberson@ci.oceanside.ca.us>; Jeff Hunt <JHunt@ci.oceanside.ca.us>  
**Subject:** Coast Hwy EIR Review-Request for Clarifications

Hi Jon,

After review of the recently released Coast Hwy Redevelopment EIR report, the OCNA Board of Directors has the following questions:

DEIR I10-2

1) Incentive Plan:

a) Why does the Incentive Plan proposed for developers include Administrative Review and "by right" approval by-passing public input? The Vision Plan is intended to enhance and revitalize the Coast Hwy. Among its many action items is PW5 which states "Direct staff to prepare and implement a Development Incentives Policy, to include ... expedited permitting..." [underlining added]. Administrative review can still include public notice and comments.

DEIR I10-3

b) Why is excluding public input important when it has been shown to create more harmony with the existing neighborhoods? Cities generally have a scale of public review ranging from public hearing approvals, to administrative approvals after comment, to staff approval without comment; depending on the type of development, with more discretionary projects getting more review. The more extensive public reviews result in longer time and higher costs for new development. So a common method to expedite permitting is to streamline – not necessarily eliminate all – public review. This is up to each city (i.e. Del Mar has public review of homes, while Oceanside generally does not). The intent is not to exclude public input – the intent is to expedite permitting.

DEIR I10-4

c) What are the pros and cons of using form-based planning in this development vs. the current methods,

Form based codes provide more certainty for citizens, developers and decision makers by establishing clear criteria that development must meet. With more certainty comes less discretion and less need for extensive public review. Not all public review is eliminated – it depends on the project.

DEIR I10-5

2) Population Projections:

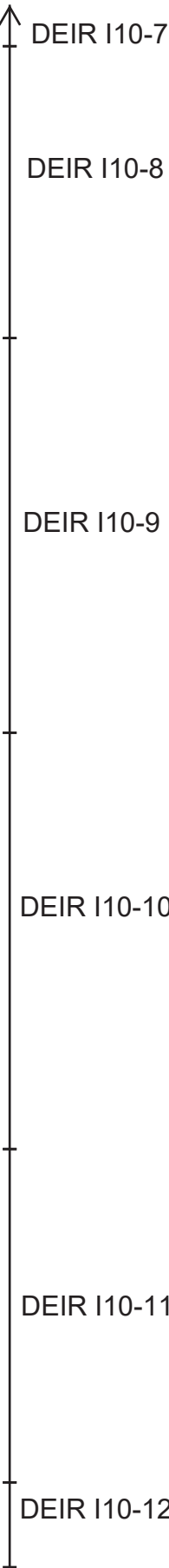
a) Why are there no population projections included in this report, considering it looks out to 2035, and has many "mixed use" examples of residential units over commercial services projected of approximately 5000 units? ? Population and housing forecasts are provided in Section 3.11 (Population and Housing). While the traffic analysis is based on aggressive housing growth projections (largely premised on existing zoning), market studies conducted in 2007 and 2014 indicate that these projections exceed anticipated housing demand by as much as 2,500 units. Outside of the Downtown District, the corridor has seen virtually no (re)development over the past several decades (with the recent exceptions of the Morse Street condominiums and the Beach Break restaurant). This is despite the fact that existing zoning allows for four-story development and residential densities up to 43 dwelling units per acre. If the past is any indication of the future, it seems unlikely that demand for new housing will approach the growth projections factored into the traffic analysis. Thus, staff believes the traffic analysis provides a conservative "worst-case" scenario.

DEIR I10-6

b) And, if approximately 5000 units are projected, why then are there no traffic and parking impacts noted and related mitigations? The 5200 additional residential housing units represent a theoretical threshold in terms of traffic generation (for conservative analysis). This does not represent the amount of additional housing the City will allow to be constructed along the study corridor. A market analysis was completed (and available on the project webpage) that shows a high housing demand of about 3600 additional units. The City can and will cap the housing along the corridor as future needs require. The EIR does identify mitigation measures for traffic impacts (See Table S-2 in DEIR). The proposed project is also anticipated to provide more on-street parking. Parking provisions for all residential projects will also be maintained with efforts to increase available public parking through the Incentive Overlay District.

DEIR I10-7

Market Assessment revealed the demand for housing along the corridor to be only  
c) And, what are the traffic and parking impacts compounded with the current projects and units already underway? ? Current projects were all studied under a separate environmental review process, which include traffic studies. Current projects were required to mitigate their projected traffic impacts and to supply off-street parking based on the City zoning ordinance. The Coast Highway Corridor Study analyzed existing conditions with and without the proposed alternative/s. Existing conditions include all current approved and constructed projects within the study corridor. The proposed Coast Highway Corridor alternatives where studied in both existing and future year conditions.



DEIR I10-7

DEIR I10-8

3) Complete Streets:

a) How will this development be funded? Funding will occur a number of different ways. Traditional funding programs such as TransNet and SANDAG grants, such as the SGIP (Smart Growth Implementation Program), will help fund the various street improvements. This in combination with developer participation as part of the proposed IOD (Incentive Overlay District), fair share contributions, and standard development frontage improvements are another means of obtaining funds street improvements.

DEIR I10-9

b) Is there any State grants anticipated? Yes

c) Does this have to be all or nothing to receive funding? ? No. The City will phase each improvement. There will be a phased Implementation Plan and Finance Strategy (currently being worked on and not yet completed) to give the City some direction on how to pay for roadway construction efforts.

d) If intersections will have reduced service (Wisconsin and Oceanside Blvd.) why can't they have traffic signals? The DEIR analyzed a roundabout at Oceanside Blvd. on Coast Highway, but the level of service analysis revealed a significant impact. Either a two-lane roundabout or a traffic signal would be necessary to mitigate the failing LOS. The project proposes to maintain a traffic signal at Oceanside Blvd. at Coast Hwy as a form of mitigation.

DEIR I10-10

Wisconsin Avenue on Coast Highway is also projected to fail with a single-lane roundabout. However, the project proposes to adopt overriding statement of consideration here and install the roundabout anyway due to its low left turning volume (relative to O'side Blvd), relationship with adjacent proposed roundabouts and mid-block crosswalks proposed from Washington to West, as well as its relationship to the downtown area.

e) What is meant by commercial villages, and where would these be located? The "commercial village" designation largely reflects a status quo approach to zoning standards – i.e., these areas would not benefit from an allowance for standalone residential (as would "avenue" segments) or additional density and building height (as would "nodal" areas). The only incentive applicable to the "commercial village" areas would be expedited project review if and only if an applicant agrees to subject his/her project to the formed-based zoning standards. The "commercial village" designation is meant to acknowledge and preserve much of the existing character of land use and development in these areas (i.e., Coast Hwy south of Cassidy Street and Wisconsin Avenue west of Coast Hwy).

DEIR I10-11

There are many fine elements to the Coast Hwy Redevelopment plan, but we need clarification on these please as soon as possible.

DEIR I10-12

Thank you in advance,

OCNA Board of Directors:

Jane Marshall, President, OCNA

Lisa Hamilton, Vice President, OCNA

Lane Stewart, Treasurer

Kathleen Justice, Director of Membership

Judi Potter, Director of Publicity

**Letter  
DEIR I10  
Response****Jane Marshall  
August 25, 2017**

- 
- DEIR I10-001 This comment provides follow up to the City’s response to this commenter’s email, as well as the link provided to a news article discussing development in the City. This comment does not raise any issue concerning the adequacy of the DEIR and, therefore, no specific response is required.
- DEIR I10-002 This comment services as the introduction to the following comments. This comment does not raise any issue concerning the adequacy of the DEIR; no specific response is required.
- DEIR I10-003 This comment questions why the Incentive District includes Administrative Review and “by-right” approval by-passing public input. The City replied to this commenter saying, “The Vision Plan is intended to enhance and revitalize the Coast Highway. Among its many action items is PW5 which states “Direct staff to prepare and implement a Development Incentives Policy, to include expedited permitting.” The City also clarified that administrative review can still include public notice and comments.

In addition to the City’s response, the DEIR states:

*“The City prepared the Vision Plan and the City Council voted to accept the Vision Plan in 2009 to serve as an advisory document to help guide future development within the Coast Highway corridor. The concept of the Incentive District was inspired by the Vision Plan, which served as a guidance document, along with the City’s General Plan, during the development of the Incentive District.*

*The primary purpose of the Incentive District is to encourage redevelopment and revitalization of the Coast Highway corridor through land use regulations, design and development criteria, and development incentives that will encourage sustainable, high-quality development” (DEIR pg. 2-19).*

Furthermore,

*“The Incentive District incents development and redevelopment by offering a streamlined development review process, expanding the land uses permitted by right, reforming parking standards, and allowing increased height of buildings in certain planning areas, with discretionary approval” (DEIR pg. 2-21).*

As the DEIR states, the Incentive District was inspired by the City’s Vision Plan, which was prepared as an advisory document intended to enhance and revitalize Coast Highway. Among the Vision Plan’s many action items, Planwide Efforts (PW)-5 states:

*“Direct staff to prepare and implement a Development Incentives Policy, to include among other things, green tape zone, expedited permitting, and ‘zero fee’ green design incentives”. [underlining added] (Vision Plan pg.64).*

In terms of additional environmental review of future projects under the Incentive District, the DEIR explained:

*“Future development and redevelopment projects that might occur within the Incentive District would be required to undergo the City’s development review process, where the City would determine if a project is consistent with this EIR pursuant to CEQA requirements. Where specified in this EIR, future development and redevelopment projects would be required to implement all applicable mitigation measures. Once the City has determined a project has demonstrated compliance with this EIR, no subsequent actions would be necessary to fulfill the requirements of CEQA” (DEIR pg. 1-2).*

The City would still review projects proposed under the Incentive District to ensure that the project complies with all requirements of the Incentive District and implements all applicable mitigation measures contained in this EIR. During administrative review, the City could elect to still include public notice and comments for specific projects.

DEIR I10-004 This commenter is questioning why environmental review of future projects under the Incentive District would not include public review, which in their opinion creates more harmony in the community. While this comment does not address the adequacy of the DEIR, the City has provided the following response to provide clarity to their planning process. Depending on the type of development, Cities generally have a scale of public review, including: public hearing approvals, administrative approvals after comment, and staff approval without comment. Discretionary projects typically undergo more review than ministerial projects. The more extensive public reviews result in lengthier time frames and higher costs for new development. A common method, used by a variety of municipalities, is to expedite permitting through streamlining not necessarily eliminating public review. This is up to each municipality, for example, Del Mar conducts public review for homes, while Oceanside generally does not. The intent is not to exclude public input but rather to expedite permitting. Furthermore, as stated above, the City could elect to still include

public notice and comments for specific projects during the administrative review process.

- DEIR I10-005 This commenter is inquiring about the pros and cons of using form-based planning over the current method. Through form based codes, the City can establish clear criteria that development must meet, which in turn provides more certainty for citizens, developers and decision makers. The Incentive District would provide form-based design and development standards to achieve the pedestrian-scale and architectural variation of buildings advocated in the Vision Plan. This creates both reduces discretion and need for extensive public review for projects. However, the City would be able to impose public review on future projects proposed under the Incentive District at its discretion, depending on factors, such as the type and/or design of development and public controversy.
- DEIR I10-006 This commenter questions why the DEIR does not include any growth projections. This commenter is incorrect in this statement as population and housing forecasts are provided in Chapter 2, *Project Description*, and Section 3.11, *Population and Housing*, of the DEIR. While the traffic analysis is based on aggressive housing growth projections (largely premised on existing zoning), market studies conducted in 2007 and 2014 indicate that these projections exceed anticipated housing demand by as much as 2,500 units. Outside of the Downtown District, the corridor has seen virtually no (re)development over the past several decades (with the recent exceptions of the Morse Street condominiums and the Beach Break restaurant). This is despite the fact that existing zoning allows for four-story development and residential densities up to 43 dwelling units per acre. If the past is any indication of the future, it seems unlikely that demand for new housing would approach the growth projections factored into the TIA (2017 and 2018). Thus, City Staff believes the TIA (2017 and 2018) provides a conservative “worst-case” scenario.

In addition, to provide clarity of the growth projections used in the revised TIA (2018), Table 2-1, Future Project Land Use Conditions, in Chapter 2, *Project Description*, was revised and provided in the PRDEIR. For purposes of comparison, Table 2-1 was revised in the PRDEIR to include estimates for projected development to 2035 without the proposed project, and with the proposed project within the Oceanside Coast Highway Project Area and the traffic analysis study area. It is important to distinguish between the proposed project area and the TIA study area as the latter requires a much larger study area for traffic modeling purposes.

- DEIR I10-007 This comment asks for clarification on why there are no traffic and parking impacts along with associated mitigation noted in the EIR if 5,000 units are projected. As stated above, to provide clarity of the growth projections used in the revised TIA (2018), Table 2-1, Future Project Land Use Conditions, in Chapter 2, *Project Description*, was revised and provided in the PRDEIR. For

purposes of comparison, Table 2-1 was revised in the PRDEIR to include estimates for projected development to 2035 without the proposed project, and with the proposed project within the Oceanside Coast Highway Project Area and the traffic analysis study area. As shown in Table 2-1 in Chapter 2, *Errata*, of the PRDEIR, the traffic analysis study area, which is much larger than the project area, is projected to accommodate 5,871 residential units, which is more than double the 2,688 residential units projected to be accommodated in the project area. Furthermore, the projected residential housing units represent a theoretical threshold in terms of traffic generation (for conservative analysis). This does not represent the amount of additional housing the City would allow to be constructed along the study corridor. A market analysis was conducted by Keyser Marston Associates for the Coast Highway study area that estimates supportable demand by land use category through 2030. The market analysis estimates a high housing demand of about 3,600 additional units. The City can and would cap the housing along the corridor as future needs require.

In addition, this commenter incorrectly states that the EIR does not include significant traffic impacts and mitigation measures. The EIR does identify mitigation measures for traffic impacts; please refer to Section 3.14, *Transportation and Traffic*, of the PRDEIR and Table S-2 in the DEIR and partially updated in the PRDEIR. In regards to parking, while analysis of parking is not required under CEQA, as shown in response DEIR I4-007, the proposed project is also anticipated to provide more on-street parking. Parking provisions for all residential projects would also be maintained with efforts to increase available public parking through the Incentive District.

DEIR I10-008 This comment asks what are the traffic and parking impacts when considering the project with other cumulative projects. The DEIR and PRDEIR evaluated the cumulative impacts of project implementation in conjunction with 44 cumulative projects in Chapter 4, *Cumulative Impacts*, of the DEIR and partially updated in the PRDEIR. Because traffic is a cumulative in nature, the traffic analysis in the revised TIA (2018) and Section 3.14, *Transportation and Traffic*, of the PRDEIR accounted for the development of the other identified cumulative projects in the determination of the project's impacts and mitigation.

As discussed in Section 3.14, *Transportation and Traffic*, of the PRDEIR, all significant traffic impacts would be reduced to less than significant, with the exception of four intersections (Coast Highway and Cassidy St; Oceanside Boulevard and I-5 Southbound On-/Off-Ramps (PM peak-hour); Coast Highway and Wisconsin Avenue; and Vista Way and I-5 Southbound On-/Off-Ramps) in the Future + Project scenario due to no feasible mitigation to fully mitigate the impacts at these four locations.

DEIR I10-009 This comment asks how funding for the project would be sourced and secured and asks if the project in its entirety needs to be funded at once. While this comment does not raise any issue concerning the adequacy of the DEIR, the City has confirmed that funding is anticipated to occur a number of different ways. Traditional funding programs such as TransNet and SANDAG grants, such as the Smart Growth Implementation Program, could help fund the various Complete Streets improvements. This in combination with developer participation as part of the proposed Incentive District, fair share contributions, and standard development frontage improvements. In addition, the City is anticipating securing State grants as well. In regards to the phasing of the project, the City is currently preparing a phased Implementation Plan and Finance Strategy, which would lay out the City’s financial plan for the Complete Streets improvements construction efforts.

DEIR I10-010 This comment asks if the intersections of Coast Highway with Wisconsin Avenue and Oceanside Boulevard would have reduced service with the project, why can’t traffic signals be installed at these locations instead of roundabouts. Based on the revised traffic impact analysis in the revised TIA (2018) and Section 3.14, *Transportation and Traffic*, of the PRDEIR, the significant impacts identified at the intersection of Coast Highway and Oceanside Boulevard would be mitigated to a less than significant level with the installation of a traffic signal.

However, in order to improve impacts to Coast Highway and Wisconsin Avenue to an operating condition that is less than significant under the Future Conditions + Project scenario, the capacity of the single-lane roundabout would need to be increased to a two-lane roundabout. However, the mid-corridor intersection at Coast Highway and Wisconsin Avenue has limited right-of-way, which prevents the installation of a two-lane roundabout. Further, a signalized intersection is also not a viable solution as this intersection is integral to the continuity of the Complete Streets improvements throughout the corridor. For these reasons, project impacts to the intersection of Coast Highway and Wisconsin Avenue would remain significant and unavoidable under the Future Conditions + Project scenario.

DEIR I10-011 This comment asks what is meant by the “commercial village” designation and asks where this designation would be located. Map 2, Sub-Area Plan, of the Incentive District Ordinance, contained in Appendix H of the DEIR, shows the locations where the commercial village designation is proposed. Generally, this designation would be located Wisconsin Avenue and between Cassidy Street and the City’s southern limit. The commercial village designation allows for expedited project review in exchange for adherence to the form-based zoning standards established in the Incentive District. The commercial village designation is meant to acknowledge and preserve much of the existing character and development in these areas.

DEIR I10-012 This conclusory comment request clarification as soon as possible on the points raised in this comment letter. This comment does not raise any issue concerning the adequacy of the DEIR. The City appreciates this commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

## Comment Letter DEIR I11

**From:** Mindy Martin [mailto:mindymmartin@gmail.com]

**Sent:** Friday, August 25, 2017 2:09 PM

**To:** John Amberson <JAmberson@ci.oceanside.ca.us>; City Council <Council@ci.oceanside.ca.us>

**Subject:** EIR Comments

Good afternoon.

I'm writing to express my support for complete streets in Oceanside. I support improvements from the Harbor to the Carlsbad lagoon.

DEIR I11-1

I would urge the City to rethink increased height allowances on Coast Hwy. The final EIR should explain how we will avoid a tunnel effect.

DEIR I11-2

Thanks very much for all of time and effort that went into this study. Many Oceanside residents value your work!

DEIR I11-3

Sincerely,

Mindy Martin  
1104 South Ditmar Street

**Letter  
DEIR I11  
Response**

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**Mindy Martin  
August 25, 2017**

- DEIR I11-001 This comment expresses support of the Complete Streets approach for the project. This comment does not raise any issue concerning the adequacy of the DEIR. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I11-002 This comment urges the City to rethink the increased height allowances and states that the FEIR should explain how the proposed project would avoid a tunnel effect. As discussed in Section 3.1, *Aesthetics*, of the DEIR and PRDEIR, implementation of the Incentive District would allow increased building heights up to a maximum of 65 feet only in the Node areas with discretionary approval compared to the existing limit of 45 feet. The Incentive District would also establish regulations intended to promote high-quality urban and architectural design and variability of massing and height, emphasizing the design of the interface between the private and public realms. Therefore, as projects are submitted to the City for approval under the Incentive District, the City’s planning process would ensure that building heights are varied to avoid a tunnel effect in the Node areas.
- DEIR I11-003 This comment provides a conclusion to this comment letter. This comment does not raise any issue concerning the adequacy of the DEIR and no specific response is required. The City appreciates this commenter for participating in the planning an environmental review process.

Paradise by the Sea Beach RV Resort  
Owners Greg & Kathy Sampson  
General Manager Cole Sampson  
1537 South Coast Highway  
Oceanside, CA 92054

RE: Letter addressing Environmental Impact Report (EIR)

Mr. Amberson,

These are our comments on the EIR related to the Coast Highway Improvement Project.

**Our Support:** We fully support the efforts to revitalize South Oceanside into a more tourism-centered and live/stay/play atmosphere! We appreciate the efforts to create an overlay to the zoning in our area. We have owned and operated our RV Resort for 40 years, and our goal is to continue offering affordable and memorable vacations for families from all socioeconomic backgrounds desiring to enjoy a beach vacation. We are the only Beach RV Resort in all of Southern California, and we draw guests from across the globe to spend their tourism dollars in Oceanside. Over 5,000 RV's annually need to have reasonable access to our resort from both Oceanside Blvd (I-5) and Vista Way (78).

DEIR I12-1

**Our Stance:** Moving forward, we, along with the Coastal Commission, will continue to advocate for reasonable RV access to our business from both the north and south, and we will continue to advocate for the Incentive Overlay to attract more "tourism friendly" businesses to South Oceanside.

**WE SUPPORT ALTERNATIVE 2**

**Traffic:** We support measures to keep the current two-lane road diet between Oceanside Blvd and Morse Street. The downside of this road diet has been that RVs and passenger cars must wait up to 5 minutes for a break in traffic in order to make a left turn in and out of our business—but the upside is that RVs can make wider right turns into our driveway, and our guests can ride bicycles in the bike lane. We hope that maintaining this current traffic pattern will attract "visitor-serving businesses" like ours.

DEIR I12-2

**Incentive Overlay:** We fully support the Incentive Overlay proposal that will draw developers that want to create a more live/stay/play atmosphere.

**Roundabouts:** We have no issue with roundabouts being installed north of Oceanside Blvd, as our guests access our resort from Oceanside Blvd, Cassidy Street, and Vista Way I-5 off-ramps. **We do not support roundabouts at Oceanside Blvd south to Vista Way.** *Our Concern:* How can we be assured that 5,000 RV drivers of varying skill abilities can make that turn every year to reach our business? All studies completed have been based on the turning radius of an 18-wheeler or city bus, which have a much different wheel base than that of an RV. Here is the data we gathered from RV manufacturers regarding the turning radius of a 46-foot motorhome (legal length is 46' + 24' cargo trailer= 70'

DEIR I12-3

maximum): A 46-foot motorhome would need an 18'-20' wide lane and at least 85 foot-wide diameter to complete a left turn from Oceanside Blvd to Coast Hwy. Meaning, a very small, low truck apron with little room for landscaping and décor due to off-tracking of the rear interior wheel of an RV. For example, a 46-foot Prevost Motorhome with a 55-degree wheel turn has a 45.4 foot turning radius when completing a u-turn on a dime in a parking lot (*See Exhibit C*), not factoring in a roundabout's center island (and they have the best turning radius in the RV industry). That means that even without pulling a cargo trailer behind, it needs about a 95-foot diameter due to overhang and the arc of the turn being centered around a center island, and not a dime in a parking lot. Manufacturers test the turning radius with a Prevost Bus at an idle/stop, so making the turn while in the flow of traffic is increasingly difficult. Coming from the I-5 west, and trying to navigate South on Coast Highway would mean having to veer right, then veer left, and then veer right again. We want to be part of a solution, and can participate in a turn radius test if it would help. **Our demand is that a roundabout will not hinder access to beach visitors driving to our RV resort. Oceanside Blvd, Cassidy, and Vista Way are our main pathways from the I-5 for accessing our resort and are not large enough intersections to accommodate a reasonably-sized roundabout.**

↑  
DEIR I12-3

**Loma Alta Creek Crosswalk:** As per a signed 2016 legal agreement from the City of Oceanside, if a crosswalk is ever installed on the stretch between Oceanside Blvd and Morse Street, it cannot be near the entrance of our resort (dangerous to both pedestrians and RV drivers), and cannot have a raised center pedestrian refuge. RV's merging north onto Coast Hwy would not be able to make the merge without hitting the concrete refuge (*See attached Exhibit A*). Our suggestion would be at or on the Loma Alta Creek Bridge (*See attached Exhibit B*), it would be aligned with the beach access walk; or align closely with the bus stop on the east side of Coast Hwy.

DEIR I12-4

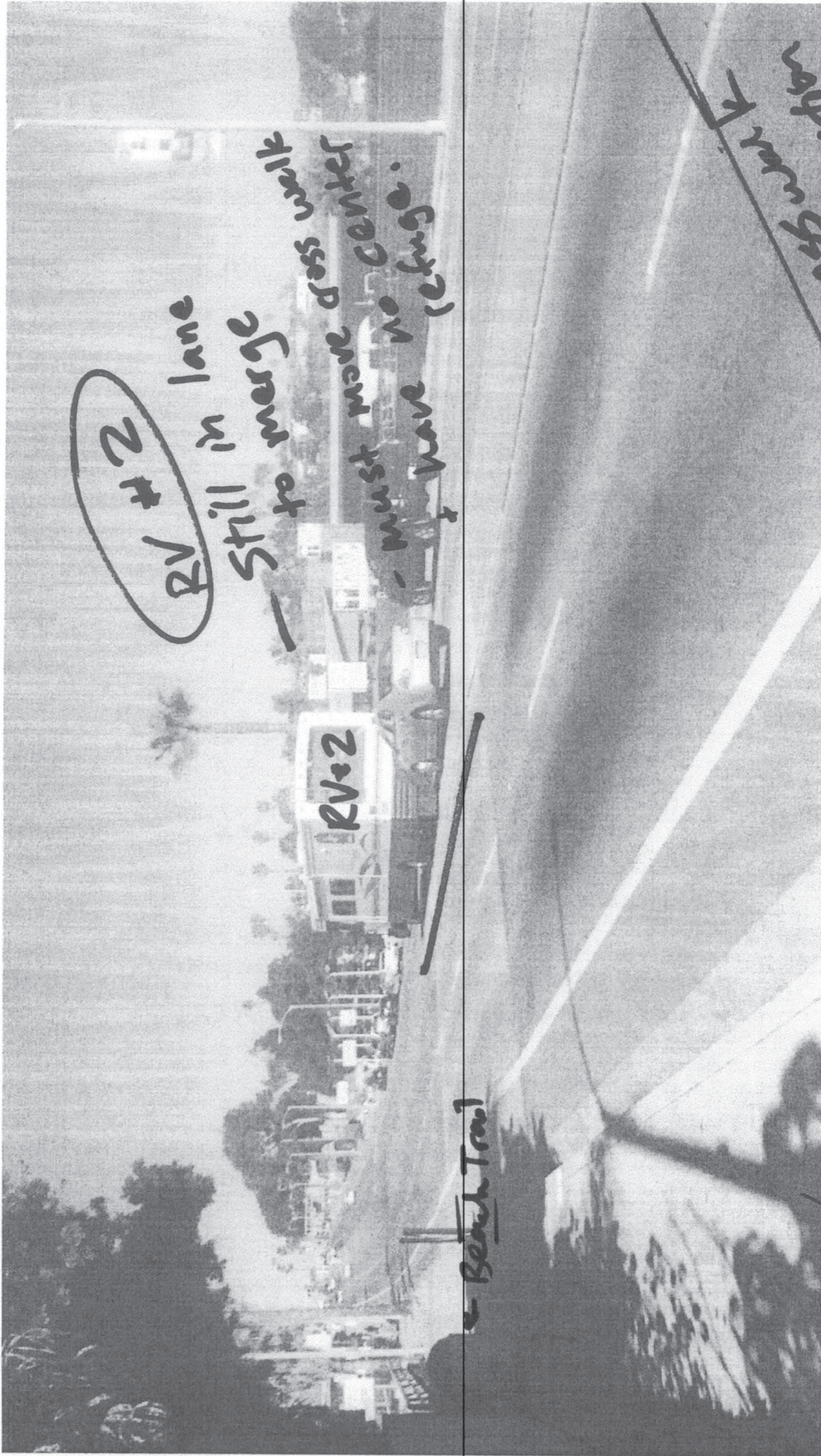
Thank you for your consideration. Please let us know if you desire to see in-depth information on the mathematical equations involved in calculating the turning radius diagram of a large motorhome. We will gladly join the city in their efforts to revitalize South O by offering our expertise regarding Recreation Vehicles.

DEIR I12.5

Sincerely,

Greg & Kathy Sampson  
Paradise by the Sea RV Resort

Exhibit A



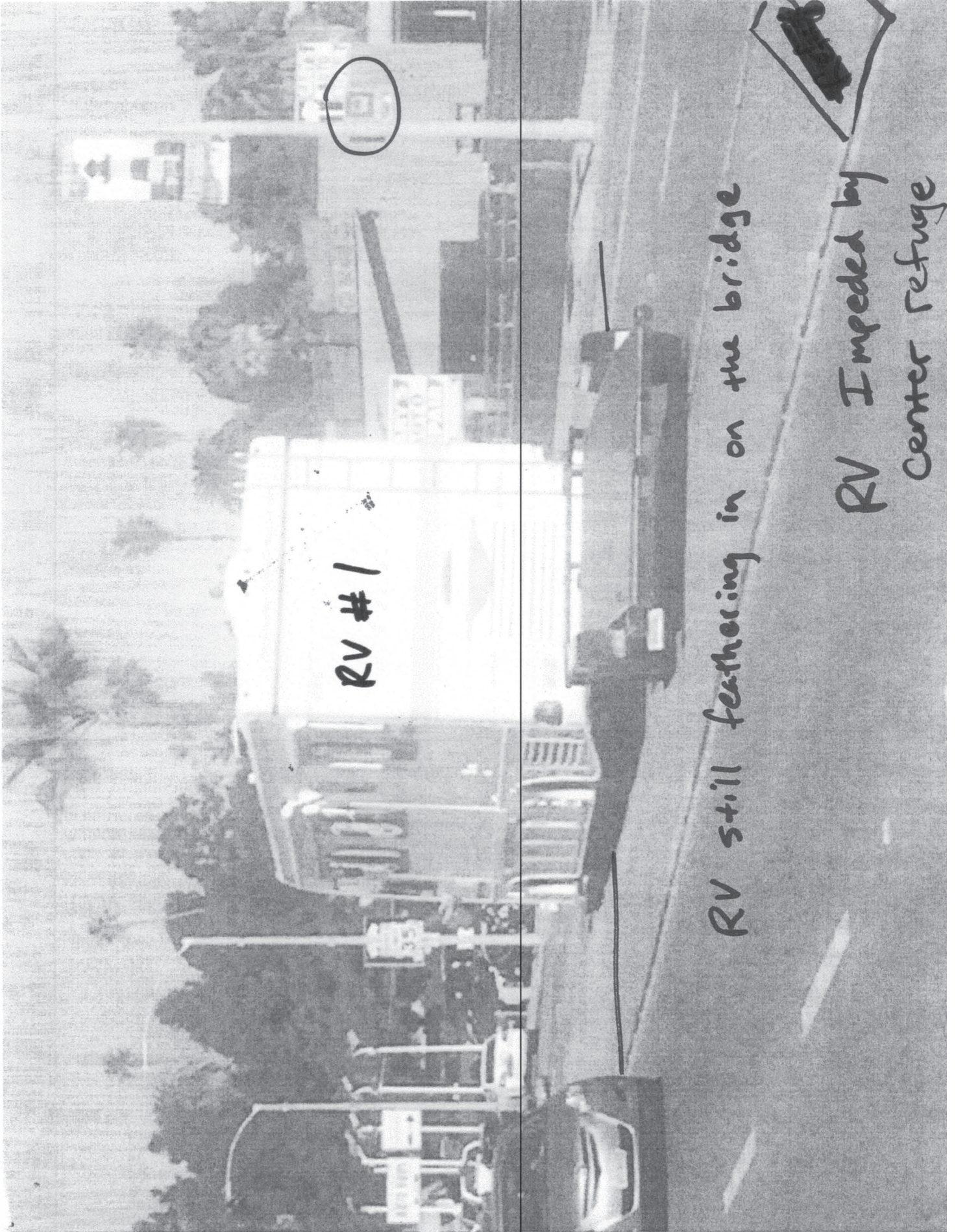
RV #2

Still in lane  
- to merge  
- must move over center  
- have refuge.

RV-2

Bench Trail

RV #2 Still in lane - to merge - must move over center - have refuge.

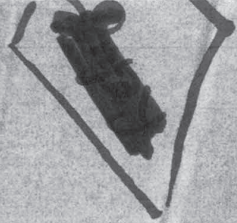


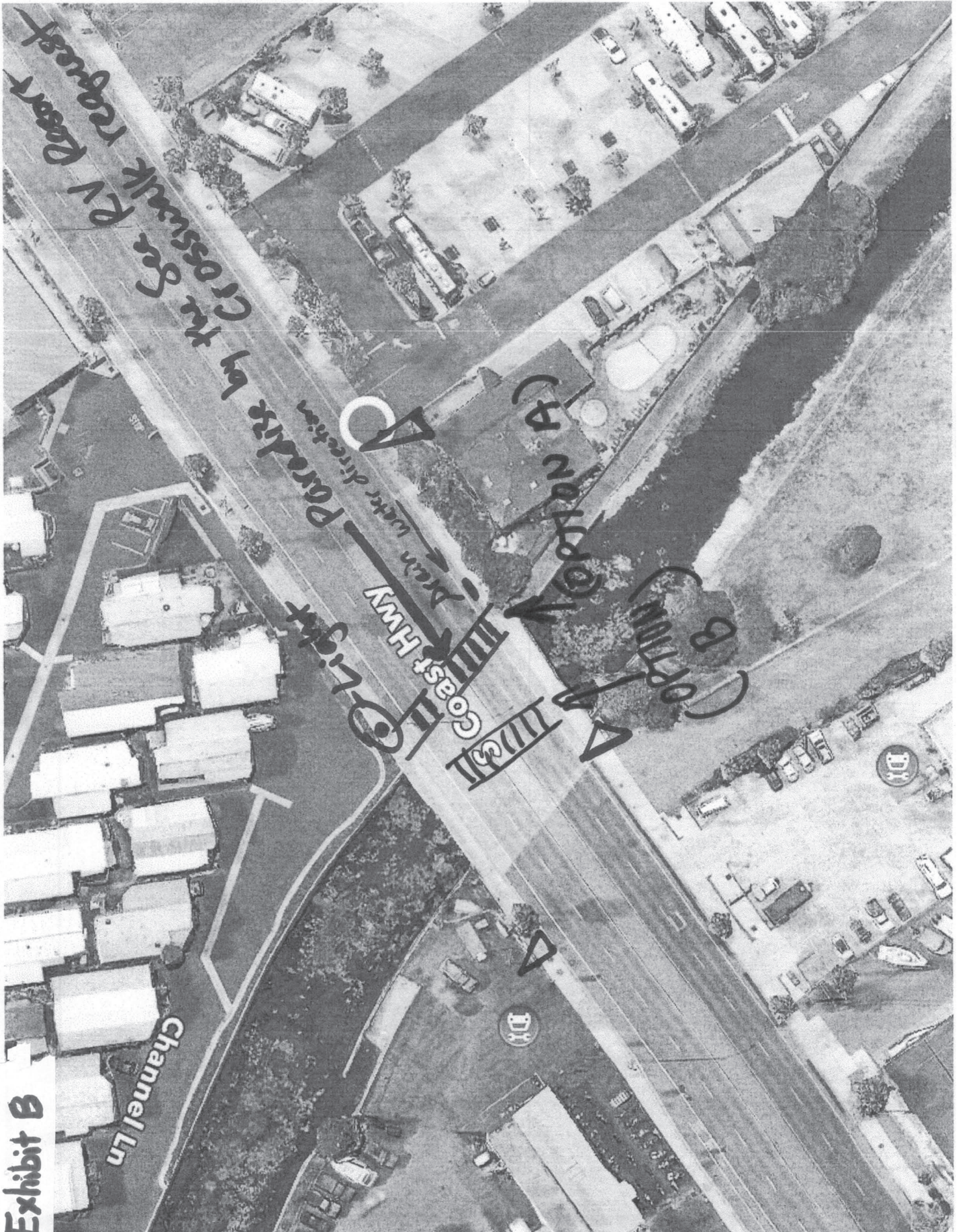
RV #1



RV still feathering in on the bridge

RV Impeded by  
Center Refuge





**SUCCESSFUL CROSSWALKS without center refuge:**

959 Vista Way, Oceanside, CA



Laguna Beach, CA



**Letter  
DEIR I12  
Response**

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**Greg and Kathy Sampson  
August 25, 2017**

- DEIR I12-001 This comment provides introductory remarks which generally support the proposed project, and requests continued access to the RV Resort (this commenter's business) from the north and south. This comment does not raise any issue concerning the adequacy of the DEIR; no response is required. The City appreciates the commenters' support of the project. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I12-002 This comment expresses support for Alternative 2 as there are more traffic advantages for this commenter's business than with the proposed project. This comment does not raise any issue concerning the adequacy of the DEIR and no specific response is required.
- DEIR I12-003 This commenter opposes the installation of roundabouts south of Oceanside Boulevard due to the difficulty that RV drivers could experience can turn into the RV Resort and supports Alternative 2 where roundabouts would not be installed between Oceanside Boulevard and Vista Way. The City has completed preliminary engineering (equal to a 30 percent level of design) during the Coast Highway Corridor Study process, separate from the EIR process. This preliminary design effort included review of the proposed roundabouts to ensure that large vehicles such as trucks, fire trucks, and motor homes can travel through the roundabouts as proposed. The design of the roundabouts would be further advanced and refined during subsequent stages of project design. In addition, Alternatives 1, 2, and 3 would alleviate this concern, as no roundabouts are proposed as part of these alternatives in the intersections of Coast Highway at Oceanside Boulevard, Morse Street, Cassidy Street, or Vista Way.
- DEIR I12-004 This comment highlights a legal agreement between this commenter and the City, that was signed in 2016, that if a crosswalk is ever installed on the stretch between Oceanside Blvd and Morse Street, it cannot be near the entrance of the RV Resort (dangerous to both pedestrians and RV drivers), and cannot have a raised center pedestrian refuge. While the legal agreement referenced by this commenter was made in regards to the pilot project, the City would continue to honor the legal agreement under this project. The City has completed preliminary engineering (equal to a 30 percent level of design) during the Coast Highway Corridor Study process, separate from the EIR process. These preliminary design plans include a crosswalk for the Loma Alta Creek. However, subsequent stages of more detailed design would address specific conditions related to sidewalk/parkway safety.

In addition, the preliminary design effort included review of the proposed roundabouts to ensure that large vehicles such as trucks, fire trucks, and motor homes can travel through the roundabouts as proposed. The design of the roundabouts would be further advanced and refined during subsequent stages of project design. In addition, Alternatives 1, 2, and 3 would alleviate this concern, as no roundabouts are proposed as part of these alternatives in the intersections of Coast Highway at Oceanside Boulevard, Morse Street, Cassidy Street, or Vista Way.

DEIR I12-005 This comment provides a conclusion to this comment letter and states that this commenter can provide mathematical equations for calculating the turning radius diagram of a large motorhome. This comment does not raise any issue concerning the adequacy of the DEIR; therefore, no specific response is required. The City appreciates this commenter for participating in the planning and environmental review process.

Honorable Council Members:

Nobody really considers Bird Rock's circulation system to be applicable to our particular situation because La Jolla Boulevard's roadway right-of-way is so much wider than Oceanside's 56' Coast Highway. What makes the road diet in Bird Rock possible is the parallel commercial street La Jolla Hermosa Avenue just a block away that relieves spike traffic demand. I'm afraid Oceanside is better off with a "No Project" option but with landscaped pedestrian bulb out curb extensions at intersections.

Please examine the curb-to-curb roadway widths (accidentally labeled "ROW" on the image below) on Bird Rock's La Jolla Boulevard: 66' for the street with roundabouts is only possible because of the parallel 56' La Jolla Hermosa Avenue that relieves commercial and emergency traffic demand. It would be dangerous to take a part of Bird Rock's circulation system and paste it into Oceanside's.



DEIR I13-1

Now compare that with Oceanside's Coast Highway's 56' curb-to-curb width and parallel 40' residential street width. So what may work nicely in Bird Rock is not really applicable in Oceanside because our street widths are so much narrower and we have only one commercial highway (whereas Bird Rock's system depends upon two commercial streets).



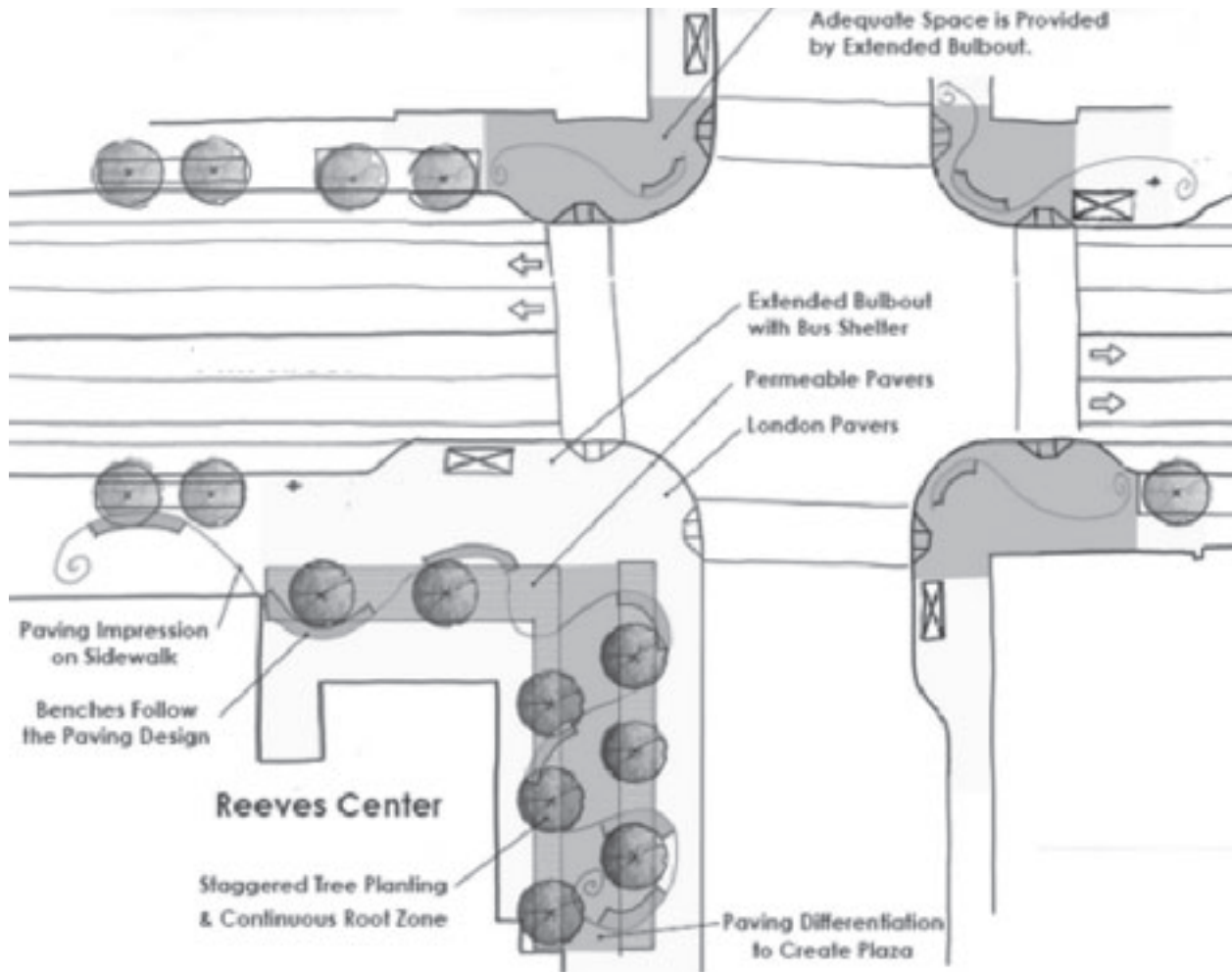
Honorable Council Members:

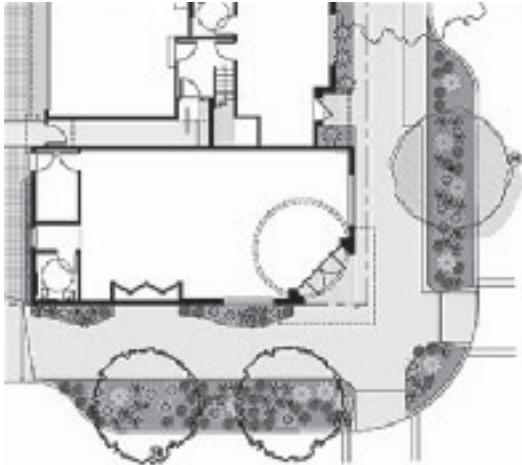
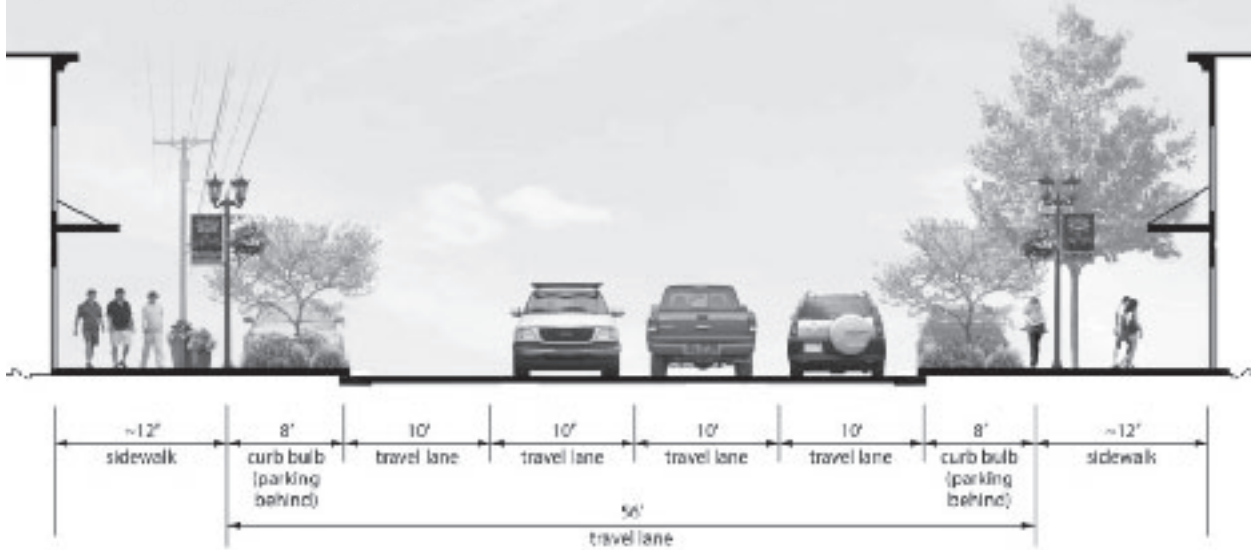
The Incentive Zoning program is designed for speculators who prefer streamlining the review process and providing developer incentives. I'm not sure we need developer incentives because there's a new one in town daily. That concerns me because the developers use our coastal location as a draw, rather than worrying about livability and quality projects. Now's the time to insist on quality and for the developers to step it up a notch to contribute to quality of life issues. If they don't like it, they can go somewhere else on the ocean. I wish them good luck, because there is no where else.

The original Coast Highway Vision Plan was put together with the input of citizens, residents, and business owners, and their concerns are not really explored in the DEIR. A "No Project" alternative but with better walkability and room for bicycles, plus open spaces, little parks, sidewalk seating and attractive planting was supposed to capture that small-town feeling most of us would like to preserve.

At intersections that don't require dedicated left turn lanes we can add bulb-outs with shade trees at street corners on Coast Highway to increase landscape areas and make crosswalks shorter and easier to cross for pedestrians.

DEIR I13-2

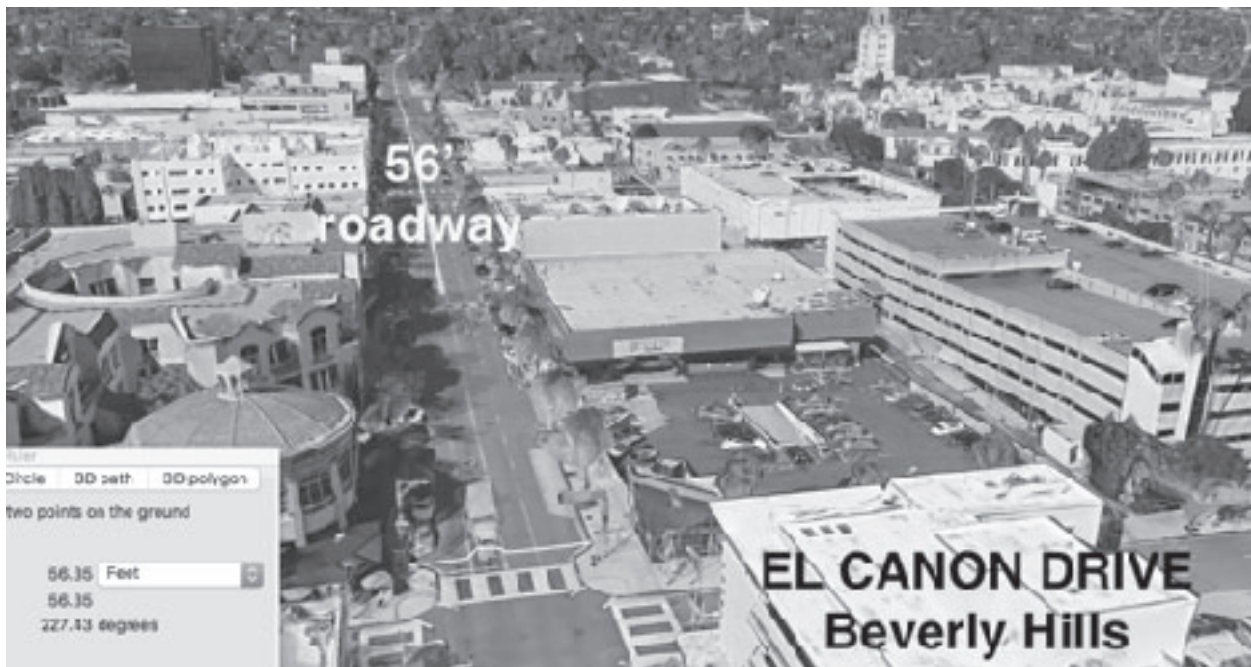




Add the existing Mexican Fan Palms to the above picture to get the resulting effect (looking north up Coast Highway). You can see that there would be a dramatic improvement for pedestrians -- only 40' of street to cross with shaded rest areas while waiting for the traffic signal! Instead of the trees depicted, I suggest using either magnolia or California pepper trees, but there are many other choices available. Continuity with existing residential zone tree patterns, if existent, should also be considered. The diagram on the left shows how much you can increase planting areas at pedestrian bulb outs at intersections. They can be shorter, too, if more on-street parking is required.

Los Angeles has several 56' wide commercial streets that can give you an idea of what our Coast Highway can become. Similarly lined with palms, Beverly Hills' El Canon Drive has been improved with intersection curb extensions like we described earlier (although the planting opportunities of these can be improved on). You can see that they, with the ladder cross walks, really do a lot to make the street feel more pedestrian friendly.

DEIR I13-3





One more thing to consider, especially in South O, is the perhaps a quarter-mile of painted asphalt medians, both at the south gateway and near the Alta Loma Creek and Sprinter Crossing that some portion of which ought to be upgraded and planted with large ornamental canopy trees and drought tolerant ground cover. Doing so could be a distinguishing theme for the north and south gateways to and from South O.

DEIR I13-4



## WHAT'S A SHARROW?

Sharrows are used to guide bicyclists on streets that don't have bike lanes. They're a simple reminder to drivers and bicyclists **to share the road!**

Increasingly, cities are requiring cars to share the right hand lanes with bicycles. <https://nextcity.org/daily/entry/bike-lane-signs-drivers-cyclists-rules-of-road> Some cities are finding that the "May Use Full Lane" signs are preferable to "Share the Road" signs for bicyclists. <http://www.bikede.org/2015/08/29/share-the-road-is-a-problem/> Palo Alto has begun to use green "sharrow" boxes painted in the middle of motorist lanes to guide bicyclists on streets that don't have bike lanes. They're a simple reminder to car drivers and bicyclists to share the road.

DEIR I13-5

### When you see sharrows on the road...

**1** Expect to see plenty of bikes – and be ready to slow down and share the road.

**2** Bicyclists will be riding in the middle of the right-hand lane to avoid the door zone.

**3** Keep an eye out for kids on bikes – sharrows are often used around schools.

**Hey, Bicyclists!**

Sharrows are a reminder to avoid the door zone of parked cars. Please follow the rules of the road: yield to pedestrians, obey traffic signs and signals, and never ride wrong way.

Our Palo Alto



Formerly four-lane Santa Monica's ficus lined Main Street also comes to mind, especially now with its new dedicated bike lanes and three lane "road diets," but the required minimum 60' roadway is actually four feet wider than our Coast Highway where such three lane road diets won't work because of insufficient lateral buffers to protect bicyclists from passing trucks and door swings from parked cars. Road diets normally place bike lanes between three lane roadways and parking lanes, however Oceanside's 56' wide Coast Highway is too narrow. As an alternative, Coast Highway's existing right lanes can be overlaid with bike lanes.

DEIR I13-6



Five foot wide "green carpet" bike preference lanes with white sharrows and/or maximum speed limits after every intersection can be painted in the middle of the right motorist lane to keep bikes away from parked car door swings and passing motor vehicles. "Bike Boxes" make motor vehicles stop further back at signaled intersections so that bicycles can move into left turn lanes safely without entering the crosswalk.



Honorable Council Members:

**Conclusion**

The impacts of radically reducing travel lanes is what is being proposed and debated, however we aren't talking about a road "diet" here but "starvation" when we suggest reducing four travel lanes to two. I have shown dimensionally that three travel lanes is not an available option without eliminating on-street parking on one side of Coast Highway.

It is good to take a conservative, careful stance in implementing radical transportation plans. We must avoid jumping on the trendy bandwagon without there being empirically verifiable rationale for taking such action. The "road diet" trend in Southern California is now experiencing significant blowback from angry residents in Los Angeles who resent the doubling of travel times and obstacle to emergency vehicles it has caused. <http://www.latimes.com/opinion/readersreact/la-ol-le-friday-20170804-story.html>

In this letter I have also demonstrated empirically that, given the existing dimensional constraints of a 56' roadway, and Coast Highway being our only commercial highway east of the Interstate 5, it is best to keep the existing four travel lanes, but to modify the right lanes in order to prioritize slower bicycle traffic, while taking advantage of existing opportunities to extend and landscape pedestrian amenities at intersections.

Without the same alternative commercial highway that Bird Rock depends on, clearly using a two-lane system of roundabouts will turn Coast Highway into a nonstop freeway, and when their designed traffic calming becomes an obstacle for emergency vehicles you will regret having made such a radical and misanthropic decision.

Additionally, the DEIR incorrectly states that there will be no aesthetic impacts from the Incentive Plan, while blocked sunlight and ocean views remain important aesthetic features of the Seaside community. Clearly the "No Alternative" option, along with the above described improvements, is the best for the residents and businesses of Coastal Oceanside.

Respectfully,

Michael Odegaard  
959 Vine Street Apt 2  
808-673-6672

DEIR I13-7

DEIR I13-8

**Letter  
DEIR I13  
Response****Michael Odegaard  
August 26, 2017**

- 
- DEIR I13-001 This comment expresses concern regarding insufficient right of way (ROW) along the Coast Highway for the proposed roundabouts. The City has completed preliminary engineering (equal to a 30 percent level of design) during the Coast Highway Corridor Study process, separate from the EIR process, where the design of single-lane roundabouts can be accommodated within the existing ROW of Coast Highway. This comment not raise any issue concerning the adequacy of the DEIR. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I13-002 This comment expresses opposition to the Incentive District and request that a No Project Alternative with included walkability and bicycle features be studied instead. This comment does not raise any issue concerning the adequacy of the DEIR; no specific response is required.
- DEIR I13-003 This comment recommends alternative tree species to be planted as part of the streetscaping efforts. The City appreciates this commenter’s input on the type of trees that should be planted along Coast Highway.
- DEIR I13-004 This comment recommends include a quarter-mile of painted asphalt medians at the south gateway and near the Loma Alta Creek and Sprinter crossing. This comment also suggests planting similar trees in these locations to create a theme across the whole corridor. This comment does not raise any issue concerning the adequacy of the DEIR.
- DEIR I13-005 This comment suggests painting sharrows in the roadway to visually guide both bicyclist and motorist to share the roadway. While this comment proposes an alternative to the design features for the Complete Streets improvements, this comment does not raise any issue concerning the adequacy of the DEIR. Therefore, a specific response is required.
- DEIR I13-006 This comment expresses concern about the lack of ROW along Coast Highway to create bike lanes and suggest alternate roadway features that allow bicyclists to use the roadway. This comment does not raise any issue concerning the adequacy of the DEIR. The City appreciates this commenter’s input on alternative design features. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

DEIR I13-007 This comment expresses opposition to the proposed road diet based on the reasons provided in this comment letters. This comment does not raise any issue concerning the adequacy of the DEIR; no specific response is required.

DEIR I13-008 This comment is concerned with impacts to aesthetic resources within the project area as a result of the Incentive District. These issues are analyzed in Section 3.1, *Aesthetics*, of the DEIR and PRDEIR and states:

*Operation of the Incentive District would allow increased height of buildings in Nodal areas with discretionary approval up to a maximum of 65 feet compared to the existing limit of 45 feet. However, operation of new or expanded development would not occur within Coast Highway's ROW, and therefore would not block existing public scenic views toward the ocean or Buena Vista Lagoon. All other public views toward scenic resources are blocked by existing structures. Therefore, impacts to scenic vistas from implementation of the Incentive District would be less than significant (DEIR, pg. 3.1-10)*

Under CEQA guidelines, an EIR must identify “significant environmental effects” of a proposed project. “Environment” means physical conditions existing within the area which would be affected by a proposed project, including land, air, water, and “objects of aesthetic significance.” Thus, impact on views can create aesthetic issues which an EIR must address. However, the lead agency preparing the EIR has discretion as to what qualifies as a “significant” impact, based on the nature of the affected area. “In exercising its discretion, a lead agency must necessarily make a policy decision in distinguishing between substantial and insubstantial adverse environmental impacts based, in part, on the setting.” If the agency determines that a project’s impact is insignificant, the EIR need only contain a brief statement addressing the reasoning behind that conclusion.

In accordance with *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, the City of Oceanside determined that any impact on private views was not a “significant” environmental effect that required analysis in an EIR. The EIR concluded that the policy standards of the City’s general plan, redevelopment plan, local coastal program, and zoning ordinances protected public views, but not private views. The Court of Appeal held that the EIR’s analysis and conclusions regarding the project’s impact on surrounding private views was proper and held that the City’s decision not to protect private views was not an abuse of discretion that warranted reversal of the certification of the EIR. Therefore, the DEIR and PRDEIR adequately evaluated the project’s impacts to public views.

This comment also expresses support for the No Project Alternative. This comment is included in this FEIR for consideration by the City prior to making a final decision on the project.

**From:** Pete Penseyres [mailto:cyclovet11@yahoo.com]  
**Sent:** Monday, August 28, 2017 4:40 PM  
**To:** John Amberson <JAmberson@ci.oceanside.ca.us>  
**Cc:** David DiPierro <DDiPierro@ci.oceanside.ca.us>; Howard LaGrange <HLaGrange@ci.oceanside.ca.us>; Tom Lichterman <tlichterman@cox.net>  
**Subject:** Comments on the DEIR for the Coast Highway Corridor

August 27, 2017  
John Amberson  
Traffic Engineer  
City of Oceanside  
e-mail: [jamberson@ci.oceanside.ca.us](mailto:jamberson@ci.oceanside.ca.us)

Comments/Questions on the Draft Initial Study/Environmental Assessment for the Coast Highway Corridor Study:

1. Table 3.14-2 Lists LOS for signalized vs. unsignalized intersections which essentially favors traffic lights over roundabouts by a large margin, particularly for LOS E and F, which are considered to be failing intersections. For example, a traffic light can result in an average delay of 55.1 seconds before the intersection would reach Level E, while a roundabout reaches that threshold with only a 35.1 second delay. For level F, a traffic light can result in an average delay of 80.1 seconds while a roundabout reaches that threshold with only a 50.1 second delay. Stated another way, a traffic light resulting in a 55 second delay would still “pass” as a level D intersection, while a roundabout resulting in a 50.1 second delay would “fail” as a level F intersection and fail as a level E intersection at an average delay of only 35.1 seconds. Why does this bias exist and why should the City use these outdated (2000) LOS computer generated projections far into the future when Complete Streets criteria should make these kinds of comparisons obsolete?

DEIR I14-1

2. Table 3.14-3 is simply a repeat of 3.14-2 but specifically for roundabouts showing the same LOS delays as 3.14-2 but without the “side by side” bias shown. It is still an obsolete (2010) document which may be corrected by the time the Coast Highway improvements start construction. Should this table be eliminated as it simply repeats the bias against roundabouts?

DEIR I14-2

3. Table 3.14-4 states that intersection at Oceanside Blvd and Coast Hwy will be “Impacted” at Level F for the roundabout at the PM peak hour. If the average delay for roundabouts were the same as for a traffic light, that intersection would be Level D and NOT impacted. Again, this shows the bias against roundabouts that exists in the analyses standards. Also, the intersection would likely be Level A and not impacted for all but the PM peak hour, so that it would be free flowing for 23 hours a day. The slight inconvenience of less than one minute for the average motorist for 1 hour per day seems very car-centric. Should the EIR be revised to at least admit the bias against roundabouts and explain that free flowing NOT impacted conditions will exist for 23 hours a day?

DEIR I14-3

4. The discussion of VMT that begins on pg. 3.14-33 that supports the auto-centric, biased, difficult to calculate, and soon to be obsolete LOS seems defensive and weak. Final guidelines have been in the review process for years and seem poised for publication this year, with a two-year optional implementation date. The Coast Highway construction seems unlikely to begin before VMT will be mandated. Shouldn't there be more of a discussion of the likely implementation of VMT and elimination of LOS, at least with respect to Mitigation Measures that would prevent use of roundabouts at several locations and even require new, expensive and inherently dangerous traffic lights at Seagaze and Ditmar and at Vista Way and Ditmar? Any future action by the City to implement the requirements of AB 1358, AB 32, and/or Vision Zero would make most of Section 13 of this LOS based draft EIR obsolete.

DEIR I14-4

5. The safety advantages of roundabouts seem to be missing from this draft EIR. For example, the reduction of fatal crashes in roundabouts vs. traditional traffic light or stop controlled intersections is typically 90%. Reference: City of Fort Worth, Texas website (<http://fortworthtexas.gov/roundabouts/benefits/>) which uses FHWA studies and documents for the following discussion:

“Roundabouts are the safest type of at-grade intersection. They create slower speeds, fewer conflict points for pedestrians and motorists, and reduced collision angles compared to stop sign or traffic signal control. A national study of intersections converted to modern roundabouts had the following significant findings:

DEIR I14-5

- A reduction in collisions of all types of 40 percent.
- A reduction in injury collisions of 75 percent.
- A reduction in fatal and incapacitating collisions of about 90 percent.”

Should the safety advantages of roundabouts be quantified to help build public support for a superior design which is often at least initially opposed by a public that is not familiar with them? Should there be a discussion here on the superior compliance of the roundabouts with the Complete Streets act?

6. The reduced pollution and fuel use of roundabouts vs. traffic lights to address the objectives of AB 32 appear to be missing from this draft EIR. Should some wording to that effect be included?

DEIR I14-6

7. Roundabout Guidelines provided by the FHWA in Publication No. FHWA-RD-00-067, pages 73-76 includes methods for estimating the safety, operational and environmental advantages of roundabouts vs. traffic lights. The estimated cost of crashes Exhibit 3-19 on page 74 lists the cost of a single fatality at almost \$1 million in 1997 dollars. See:

DEIR I14-7

<http://nacto.org/wp-content/uploads/2010/08/Roundabout-An-Informational-Guide.pdf>

8. In all loss of power incidents, roundabouts would continue to operate normally and safely without police presence. Should this advantage of roundabouts over traffic lights be included somewhere in this Draft EIR?

DEIR I14-8

9. Noise impacts do not appear to be addressed in the Draft EIR. Should the reduced noise levels for a roundabout vs. a traffic light intersection be included?

DEIR I14-9

Respectfully submitted,

Pete Penseyres  
Coast Highway Corridor Study Steering Committee  
Oceanside Bike and Pedestrian Committee  
League of American Bicyclists Certified Instructor (LCI #2020)  
2377 Ocean St  
Carlsbad, CA 92008  
E-mail: [cyclovet11@yahoo.com](mailto:cyclovet11@yahoo.com)

**Letter  
DEIR I14  
Response**

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**Pete Penseyres  
August 28, 2017**

- DEIR I14-001 This comment questions the use of level of service (LOS) methodology for analyzing both intersections (signalized and unsignalized) and roundabouts, as this methodology seems to favor traffic signals when determining if delay is significant. Please refer to response DEIR I7-006 for the response to this comment.
- DEIR I14-002 This comment states that Table 3.14-3 is a repeat of Table 3.14-2 and questions if Table 3.14-3 should be deleted. This commenter has incorrectly characterized the content of the two tables contained in Section 3.14, *Transportation and Traffic*, of the DEIR. Specifically, the DEIR states the following on page 3.14-14:
- “Table 3.14-2 lists the six qualitative categories of LOS and corresponding ranges of average delay for signalized and unsignalized (side-street stop-controlled and all-way stop-controlled) intersections, analyzed using the 2010 HCM methodology. Table 3.14-3 shows LOS and associated ranges of delay for roundabouts, which were evaluated using the 2010 HCM methodology.”*
- Therefore, these two tables are showing the LOS categories for different types of intersections, where both tables are required for the analysis. No revision to the DEIR is required in response to this comment.
- DEIR I14-003 This comment uses the example of the significant impact at Oceanside Boulevard and Coast Highway to highlight how the traffic impact methodology for signalized and unsignalized intersection versus roundabouts creates a bias against roundabouts. This comment also requests that the EIR be revised to admit this bias against roundabouts and explain that free flowing conditions would exist for the majority of the day. Please refer to response DEIR I7-006 for the response to this comment. No revision to the EIR is required in response to this comment.
- DEIR I14-004 This comment states that the VMT analysis in the DEIR is defensive and weak as it supports the LOS analysis and should be revised to be the leading traffic analysis since VMT analysis would be mandated by the time construction of the Complete Streets improvement begins. This commenter is incorrectly states that the DEIR and PRDEIR did not adequately evaluate VMT as the TIA (2017), the revised TIA (2018), and Section 3.14, *Transportation and Traffic*, included a VMT analysis for the project. The City acknowledges that the State of California Office of Planning and Research (OPR) has issued guidance related to the implementation of Senate Bill 743. This guidance, Technical Advisory on Evaluating Transportation Impacts in CEQA (April 2018), identifies that using

per capita or per employee VMT generated by new development that is 15 percent below that of existing development may be a reasonable threshold. This guidance document is careful to acknowledge that lead agencies have discretion to develop and adopt their own thresholds, provided that these thresholds are supported by substantial evidence. The City not yet adopted a specific target threshold for VMT reduction associated with the evaluation of new development. In the absence of a city-adopted threshold, the RPDEIR utilizes the OPR suggested threshold as a placeholder for this analysis.

It is important to clarify that the OPR suggested VMT reduction threshold of 15 percent below existing development is the threshold proposed to be applied to new land use development. The Coast Highway Corridor project does not propose any new land use development within the study corridor. The land use scenarios evaluated for both the Year 2035 Without Project traffic scenario and the Year 2035 With Project traffic scenario propose no changes to the City's General Plan land use map or land use intensities permitted by the City's zoning code.

The project description as identified in the PRDEIR, is to transform the Coast Highway roadway to become a complete street that safely accommodates all modes of transportation. Per the OPR technical advisory cited above transportation projects that would not likely lead to a substantial or measurable increase in vehicle travel include projects that reduce the number of through traffic lanes on a roadway, projects that involve the installation of roundabouts or traffic circles, and projects that include the addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way. The Coast Highway Corridor Project has all three of these attributes.

The project also proposes the adoption of a land use incentive district along portions of the Coast Highway corridor. The purpose of the Incentive District is not to propose new land use development in the corridor beyond that which is already envisioned in the City's General Plan but instead is to encourage the land use development permitted by the General Plan to occur in targeted locations along the corridor, particularly those located within 1/2 to 1 mile of the two existing transit stations located along the corridor (the Oceanside Transportation Center and the Coast Highway Sprinter Station). New land use development located within 1/2 mile of an existing transit station is considered to have a less than significant impact by OPR in the April 2018 Technical Advisory. Because the Coast Highway Corridor project is by definition a complete street transportation project and does not propose new land use development within the study corridor, it is not subject to the 15 percent per capita VMT reduction threshold suggested by OPR and no further mitigation measures related to VMT are required.

- DEIR I14-005 This comment provides statistics on the safety benefits of roundabouts and states that the safety advantages of roundabouts are missing from the DEIR. The safety benefits of roundabouts are not required to be analyzed or included in the DEIR per CEQA Guidelines. For this reason, no further response to this comment is required. This comment is included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I14-006 This comment states that the decrease in pollution and fuel usage which would result from the installation of roundabouts in order to address the objectives of AB 32 are missing from the DEIR. This commenter is incorrect as Section 3.6, *Greenhouse Gas Emissions*, has accounted for the Complete Streets improvements, including the roundabouts, as a means to be consistent with AB 32. Specifically, pages 3.6-10 and 3.6-11 state:

*“Of the recommended actions contained in CARB’s Scoping Plan Action T-3 (Regional Transportation-Related Greenhouse Gas Targets) would apply to the project. CARB Scoping Plan Action T-3 aims to reduce GHG reductions by increasing access to a variety of mobility options such as transit, biking, and walking.*

*The Complete Streets project would be designed to allow for continuous bicycle facilities and streetscape improvements, and therefore, is consistent with the recommended actions in the CARB’s Scoping Plan. Therefore, the Complete Streets improvements portion of the project would be consistent with the Scoping Plan measures.*

*Similarly, the Incentive District would be designed to allow for continuous bicycle facilities and streetscape improvements, and therefore is consistent with this recommendation in the CARB Scoping Plan. The Incentive District’s goal is to increase population density and revitalization of the community. This is consistent with regional plans to reduce transportation-related GHG emissions as part of the overall statewide strategy under AB 32. The project would be supportive of the goals and benefits of the SANDAG RTP/SCS, which seeks “to guide the San Diego region toward a more sustainable future by integrating land use, housing, and transportation planning to create communities that are more sustainable, walkable, transit-oriented, and compact (SANDAG 2011).”*

No revision to the DEIR is required in response to this comment.

- DEIR I14-007 This comment states that Roundabout Guidelines provided by the FHWA in Publication No. FHWA-RD-00-067 includes methods for estimating the safety, operational and environmental advantages of roundabouts versus traffic lights and provides the internet website address for additional resources on the topic. While the City appreciates this commenter’s input on the benefits of

roundabouts, since this comment does not raise any issue concerning the adequacy of the DEIR, no specific response to this comment is required.

DEIR I14-008 This comment states that in the event of loss of power incidents, roundabouts would continue to operate normally and safely without police presence, which is an advantage over traffic lights. This comment also questions if this advantage of roundabouts should be included in the DEIR. The benefits of roundabouts are not required to be analyzed or included in the DEIR per CEQA Guidelines. For this reason, no further response to this comment is required.

DEIR I14-009 This comment states that noise impacts do not appear to be addressed in the DEIR and asks if reduced noise levels with roundabouts should be incorporated into the DEIR. This commenter is incorrect as noise impacts are addressed in Section 3.10, *Noise and Vibration*, of the DEIR and in Chapter 2, *Errata*, of the PRDER. The noise analysis addresses whether the proposed project, including the proposed roundabouts and traffic recirculation with traffic from future redevelopment, would result in a substantial permanent increase in ambient noise levels in the project vicinity or expose persons to noise levels in excess of standards established in the local general plan or noise ordinance. As discussed in Chapter 2, *Errata*, of the PRDEIR, due to the changes in the traffic impact analysis in the revised TIA (2018), significant traffic noise impacts would occur along one roadway segment, Michigan Avenue east of Coast Highway, with implementation of the project. Because of the configuration of existing land uses in this area, these impacts could not be avoided with implementation of the project. Specifically, vehicles traveling on this roadway segment access driveways of existing residential and commercial uses along this roadway segment. Therefore, the noise analysis in the DEIR and PRDEIR did account for the change in traffic noise levels between signalized and unsignalized intersections and roundabouts. No revision to the EIR is required in response to this comment.

**From:** Mike Bullock <mike\_bullock@earthlink.net>

**Date:** August 28, 2017 at 2:37:47 PM PDT

**To:** <JAmberson@ci.oceanside.ca.us>, <council@ci.oceanside.ca.us>

**Cc:** <CoastHighway@ArellanoAssociates.com>, 'Russ Cunningham'  
<RCunningham@ci.oceanside.ca.us>

**Subject: Long Version: Bullock Comments on Coast Highway Corridor Study and DEIR**

**Dear Honorable Mayor, Vice Mayor, Members of the Council and Traffic Engineer John Amberson,**

My wife Joan and I live 1 mile east of the Coast Highway at 1800 Bayberry Drive in "South Oceanside". We support the Preferred Alternative. Roundabouts are far better than stop lights or stop signs. The complete-street-and-road-diet (generally, cutting 4 lanes to 3 lanes and using the additional width for bike lanes) approach will allow for the same traffic volume with much lower maximum speeds. This will reduce noise and increase safety. This will in turn increase property values and quality of life. We are disappointed that some want to stop all this progress in South Oceanside. Please do not allow that to happen.

We hope the Preferred Alternative will be improved upon, as discussed in this letter. Under CEQA, our City must adopt all greenhouse gas (GHG) emission mitigation measures that are identified if they are technologically feasible and cost effective. What follows is a mitigation measure that was ruled to be feasible in a law suit against the County's Climate Action Plan (CAP). You may remember that the suit resulted in a published Appellate Court Ruling, the County paying out about \$930,000 in plaintiff legal fees, and the County being ordered to rescind its CAP.

**A Feasible, Cost Effective Measure to Reduce VMT: a Demonstration Project of a "Dividend Account" Parking System**

One of the most significant trip destinations currently within this corridor is our City of Oceanside, located at 300 North Coast Highway. It currently has so-called "free" parking, in a parking garage, which is not really free to employees because if it were better managed, employees could have larger salaries. What follows is an adaptation of a mitigation measure that was proposed in a lawsuit against the County Climate Action Plan (CAP). It has also been proposed in a letter to our City of Oceanside, in response to Oceanside's Notice of Preparation (NOP) of an EIR for its General Plan Update's Climate Action Plan Element and its Economic Development Element. It is important to note that the successful suit against the County's CAP resulted in a published ruling, setting important legal precedents. This mitigation measure was described in the Appellate Court's Oral Arguments, in response to a Justice asking for an example of a feasible mitigation measure that was ignored by the County. After hearing the plaintiff's lawyer describe the system, the Justice remarked, "That sounds like feasible mitigation to me."

DEIR I15-1

DEIR I15-2

Here is the proposal:

***Demonstration Project to Eliminate the Harm of Bundled-Benefit Parking at Work***

Oceanside would develop a Demonstration Project to eliminate the harm of bundled-benefit parking (“Demonstration Project”) at City Hall (“Proposed Location”).

BACKGROUND: Currently, Oceanside employees do not have the ability to choose between earnings and driving – employees effectively pay for parking out of their salary, whether or not they use the parking. The Demonstration Project will provide the opportunity for the employees to choose between earnings and driving. This is roughly equivalent to the implementation of the California Air Pollution Control Officers Association (CAPCOA) measure of unbundling the cost of parking, assuming that the City gave all of its cost savings to the city employees.

PROJECT: Parking would be charged at a given rate (for example \$0.02/min – roughly \$10.80/day, considering 8 hours of work and 1 hour for lunch). Funds generated from these parking charges would be distributed as earnings to all employees working at the proposed location in proportion to each employee’s time spent at work, at the proposed location. Those who decide not to drive will not be charged for parking but will still make earnings based on their time spent at work at the location. Implemented correctly, this free-market approach will substantially reduce vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions, by reducing the drive-alone mode. Note that this location, Oceanside City Hall, is walking distance from a transit center that has above-average bus service and is served by four different rail lines.

For employees whose parking charges are greater than their parking-lot earnings, an “add-in” may be included so that no employee loses money, compared to “free parking”. (Some documentation of this method refers to this payment as a “must-drive bonus”.) With such “add-in” payments, there could be an “Opt in” or “Opt out” choice, meaning that those that “Opt out” will see no changes on their pay check, relative to “free parking” and will not receive a monthly statement of charges, earnings, and “add in”.

This project may be helped by receiving a grant to pay the development and installation cost, as well as the “add in” payments, for some specified number of years. Oceanside would need to apply for such a grant.

This feasible mitigation measure is a demonstration project of a full-system implementation, as described in this link: <http://sierraclub.typepad.com/files/mike-bullock-parking-paper.pdf>.

This strategy would be significant for Oceanside, especially if the system described is then adopted by a significant number of other employers in Oceanside.

This system can be called a “Dividend Account” parking system since those for whom the parking is built receive earnings (“dividends”) and the automation is achieved by the use of cars and drivers being associated with accounts. The word “account” also denotes that the value of the parking is being taken into account, rather than being ignored, which is often the case.



DEIR I15-2

**Installing a “Dividend Account” Parking System at the Oceanside Transit Center**

We understand it is difficult for the City to influence the North County Transit District (NCTD), which runs the Transit Center. We are hopeful that AB 805 will reform the decision-making of the NCTD so that it will become open to progressive change and more responsible, regarding the fact of our anthropogenic climate change crisis. We would like to see the City develop a Plan to help the NCTD adopt the same sort of Dividend Account Parking system at the Oceanside Transit Center as what we hope will be installed at Oceanside City Hall. In this case, the earnings or dividend are paid to adult train riders in proportion to the time they spend on round-trip train rides. These beneficiaries are selected because the car parking is being provided for adult (driving age) train riders making round-trip train rides. The parking would be available to anyone driving a car that is in the Account Parking system, meaning that there is an account with a person responsible for paying for the parking of the car being parked. This person’s account would also qualify them for the earnings, or “dividend”. This system would allow the parking to be used by any driver with an account, including non-train riders. Fully-shared parking is generally better than parking that is not shared or is less shared. “Free parking” at train stations maximizes driving to the station. A Dividend Account parking system would maximize ridership. Currently, a person that could easily walk or bike to the station may drive. However, this is less likely to happen after the installation of a Dividend Account parking system. The net cost (fare minus parking dividend) to ride will be reduced. This will increase ridership. This system will also ensure that someone that drives to the station can be assured of finding a parking place, because it will not be hard to set the price of the parking to ensure vacancy, as is described in the paper shown here: <http://sierraclub.typepad.com/files/mike-bullock-parking-paper.pdf>. Note that the paper provides a dynamic pricing system to guarantee a selected minimum vacancy rate. If a person drives to the station but does not find a parking place, they may become discouraged from riding the train.

DEIR I15-3

Please let me know how I can help discuss these ideas further and help them to become adopted policy. We have good technology. Some are saying we now have the “internet of things”. We need to apply this in the public sector for many reasons. What can’t this start in Oceanside? If Oceanside can distinguish itself in this way, the young entrepreneurs will follow. We have a great climate, housing that is cheaper than in most Southern California Coastal Cities, and the Ocean. They will come if they see that we are leaders in using technology to make things more convenient, more fair, and more sustainable. Let’s talk about this.

DEIR I15-4

Thank you for your leadership,

Mike and Joan Bullock  
760-754-8025

**Letter  
DEIR I15  
Response**

**Mike and Joan Bullock  
August 28, 2017**

- 
- DEIR I15-001 This introductory comment expresses support of the Preferred Alternative and states that the City must adopt all greenhouse gas (GHG) emission mitigation measures. This comment does not raise any issue concerning the adequacy of the DEIR. All comments made to the City during the DEIR comment period is included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I15-002 This comment outlines how a “Dividend Account” parking system works and how it would reduce vehicles miles traveled. This comment does not raise any issue concerning the adequacy of the DEIR. The City appreciates this commenter’s input on alternative parking system.
- DEIR I15-003 This comment discusses how a “Dividend Account” parking system would be installed and implemented at the Oceanside Transit Center and provides an additional electronic resource on how “Dividend Account” parking system works. This comment does not raise any issue concerning the adequacy of the DEIR.
- DEIR I15-004 This comment provides the conclusion to this comment letter. This comment does not raise any issue concerning the adequacy of the DEIR. The City appreciates this commenter’s input on alternative parking system.

**Comment Letter DEIR I16**

**From:** Gary Davis [mailto:oceansidegarydavis@gmail.com]  
**Sent:** Monday, August 28, 2017 5:06 PM  
**To:** City Council <Council@ci.oceanside.ca.us>  
**Subject:** Draft Environmental Impact

I am a citizen of Oceanside and live on Fire Mountain. Make sure that the comments in support of the "lane diet" and "overlay" are from Oceanside citizens. I am writing asking that you reject the draft environmental impact statement as being entirely inconsistent with the vision of right thinking people for our city. Specifically the lane diet down to one lane in each direction on PCH will not reduce traffic. Please look at what Encinitas and Del Mar have done not LaJolla. There is insufficient data from studying this to ascertain that it will work. Additionally, the overlay that was added for increasing the density of housing along PCH is entirely inconsistent with the vision for our city. Do not accept this "draft" EIR. Respectfully submitted.

DEIR I16-1  
DEIR I16-2  
DEIR I16-3

**Gary E. Davis**  
**1809 Laurel Road**  
**Oceanside, CA**

**Letter  
DEIR I16  
Response****Gary Davis  
August 28, 2017**

- 
- DEIR I16-001 This introductory comment states that this commenter is a resident of the city of Oceanside and requests that the City ensures that commenters on the DEIR are also residents of the city. This comment does not raise any issue concerning the adequacy of the DEIR. The City appreciates this commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I16-002 This comment expresses opposition to the project and requests that the City reject the DEIR as being inconsistent with the vision of the right thinking people of the city. This comment does not raise any specific issue concerning the adequacy of the DEIR; therefore, no specific response is required.
- DEIR I16-003 This comment specifies that this commenter is opposed to the reduction in roadway lanes as well as the increased density of housing allowed under the Incentive District as these components are inconsistent with the vision of the city in this commenter’s opinion. In addition, this commenter claims that there is insufficient data in the DEIR to support that the road diet would work. As discussed in the revised TIA (2018) and Section 3.14, *Transportation and Traffic*, of the PRDEIR, all significant traffic impacts would be reduced to less than significant, with the exception of four intersections (Coast Highway and Cassidy St; Oceanside Boulevard and I-5 Southbound On-/Off-Ramps (PM peak-hour); Coast Highway and Wisconsin Avenue; and Vista Way and I-5 Southbound On-/Off-Ramps) in the Future + Project scenario due to no feasible mitigation to fully mitigate the impacts at these four locations. Therefore, the EIR adequately analyzes the environmental impacts related to traffic associated with implementation of the project.

In addition, this commenter incorrectly states that the project is inconsistent with the vision of the city as the project would facilitate implementation of the Coast Highway Vision and Strategic Plan (Vision Plan). As described in Chapter 2, *Project Description*, of the DEIR, the project’s objectives include Goal 3, Facilitate implementation of the Vision Plan, and also states that the project proposes to amend the General Plan, Local Coastal Plan and Zoning Ordinance to implement the intent and objectives of the Vision Plan. As shown throughout the DEIR, the project is consistent with the City’s vision for the Coast Highway corridor. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

**From:** Bill Fischer [mailto:wcfischer@yahoo.com]  
**Sent:** Monday, August 28, 2017 12:33 PM  
**To:** John Amberson <JAmberson@ci.oceanside.ca.us>  
**Subject:** Draft EIR Coast Highway Vision Plan

To: Mr. John Amberson  
Fm: Dr. William Fischer

Dear Mr. Amberson,

I appreciate the time, effort and creativity that have gone into the proposed Coast Highway Vision Plan. I strongly believe, however, that the negative impacts outweigh the potential benefits. The projection consequences on traffic flow, public safety, and adjacent neighborhoods appear aspirational rather than based on careful factual assessment.

DEIR I17-1

***Objections & Negative Impacts***

Coast Highway capacity and traffic flow are already impeded by the narrow width of the current 4-lane (2 lanes in each direction) design plus current designated street parking. The “vision” of restricting the highway to one lane in each direction will have forceful negative impacts on traffic flow and safe timely access for public safety vehicles.

DEIR I17-2

I understand the intention to reduce traffic volume in favor of public transportation & bicycle alternatives, but the economic and cultural effects of this will be potentially severe for businesses and neighborhoods, especially in South Oceanside. The projected increased in public transportation, with buses stopping frequently in planned bike lanes or within the one traffic lane, will increase congestion and frustration as well as pose a safety risk to both passengers pickups/dropoffs and bicyclists trying safely navigate through the bus stops.

The allowances for developing multiple-dwelling multi-level housing structures without the inclusion of needed additional parking accommodations will impact adjacent residential neighborhoods, especially in South Oceanside. The consequent increase street parking will negatively affect the attractive historical beachside character of South Oceanside rather than enhance it. What a sad loss this will be. The current plan favors developers and an unneeded increase in residential units that will sadly alter the unique character of Oceanside’s coastal zone.

DEIR I17-3

The proposed traffic circles are ludicrous. There isn’t sufficient space to design them to induce adequate traffic flow, nor does the plan take into account the convergence of bicycle traffic into the circles. They will become confusing choke points and relatively unsafe for motor vehicles, bicyclists and pedestrians.

DEIR I17-4

***Alternate Vision***

Maintain the current 4-lane design throughout, two lanes in each direction.

DEIR I17-5

To achieve traffic calming and greater safety, use modern lighted pedestrian crossings at strategically located intervals - as opposed to badly designed traffic circles. Successful examples of these can be seen on the 4-lane Coast Highway stretches through Carlsbad and Encinitas. They are unambiguously safe and convenient for both motorists and pedestrians.

Complete the Rail Trail for bicycle users, rather than substituting a bike lane for a car lane in each direction, designing access to the Coast Highway at convenient intervals. Bicyclists will not significantly benefit the business environment, nor will solely relying on neighborhood customers. Signature businesses like breweries and restaurants rely, for the greater part of their patronage, on customers who arrive by automobile. These customers will be discouraged by the proposed limitations.

Beautify the length of the highway by attractively improving the pedestrian environment on already existing sidewalks. Replace unserviceable palm trees with low profile shade trees along the way. This one touch alone would vastly improve the quality of life and attract more automobile customers to existing businesses, as opposed to the potential disruptions of the current proposal.

Thank you for taking my comments under consideration.

Sincerely,

Dr. William Fischer  
510 Estremoz Ct.  
Oceanside CA 92057  
760.585.8899

DEIR I17-6

**Letter  
DEIR I17  
Response****Bill Fischer  
August 28, 2017**

DEIR I17-001 This comment expresses opposition for the project, specifically concerns related to traffic, public safety, and the surrounding neighborhoods. However, this commenter doesn't specifically state what their issues are with the environmental analysis in the DEIR related to these environmental issue areas. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

DEIR I17-002 This comment states that with the reduction of roadway travel lanes along the corridor would have negative impacts on businesses and neighborhoods, especially in South Oceanside, as well as to all modes of transportation (i.e., vehicles, bus operations, and bicyclists). The traffic analysis was conducted using methodology that is consistent with the guidelines and requirements of the City of Oceanside, Caltrans, and SANDAG. The proposed roadway improvements identified in both the DEIR and PRDEIR are intended to incorporate Complete Streets enhancements to the Coast Highway corridor, enhancing the experience and safety for residents and visitors traveling the corridor, regardless of their mode of travel. As shown in the PRDEIR, seven of the ten intersections identified as impacted in future conditions can be sufficiently mitigated with the measures identified in the PRDEIR. Additionally, the proposed roundabouts are intended to promote more consistent vehicle flow through the corridor with the proposed reduction in travel lanes, when compared to traffic conditions with traffic signals. The four locations with significant and unavoidable impacts would not impact the overall progression and flow of traffic through the corridor, but would be areas of localized delay where forecasted delays would impact lower volume cross-streets more than the higher volume corridors of Coast Highway and Vista Way.

In addition, Section 3.14, *Transportation and Traffic*, of the PRDEIR states any partial lane closures required along Coast Highway during construction of the Complete Streets improvements and the Incentive District would require the preparation and implementation of a Traffic Control Plan, which would show all signage, striping, delineated detours, flagging operations, and any other devices that would be used to guide motorists, including buses, safely through the lane closure and allow for adequate access and circulation to the satisfaction of the City. The Traffic Control Plan would be prepared in accordance with the City's traffic control guidelines. The Traffic Control Plan would ensure that congestion and traffic delay are not substantially increased and would also detail how to access to the corridor, adjacent businesses, and the coastal areas during lane closures.

DEIR I17-003 This comment states that allowing increasing residential density without the inclusion of additional parking accommodations under the Incentive District would negatively impact adjacent neighborhoods. This comment also expresses this commenter’s concern that the project favors developers instead of the character of Oceanside’s coastal zone. This commenter incorrectly states that parking requirements are not included in the Incentive District as the Incentive District includes parking standards in line with transit oriented development strategies, which corresponds to the type of development the City desires under the Incentive District. Furthermore, as stated above in response DEIR I4-007, while the DEIR did not include an analysis of parking demand or parking impacts as that is not an environmental impact required to be evaluated in an EIR per the CEQA Guidelines, the proposed project and Alternatives 2 and 3 would increase the public on-street parking supply along Coast Highway from approximately 443 spaces to 460 spaces. In contrast, Alternative 1 would result in a reduction in overall on-street parking supply, because of the inability to add new on-street parking in Segment 4 between Oceanside Boulevard and Morse Street.

In addition, the Incentive District planning effort includes the development of a Parking Management Strategies Report, which identifies a series of recommendations and strategies to address anticipate parking demand that would occur with new development in the Incentive District. These strategies include shared parking, new public parking facilities operated by the City, and incentives for new development to provide public parking in addition to private parking for the uses proposed on-site. Together, these strategies are intended to provide sufficient parking supply to accommodate existing and future parking demand within the boundaries of the Incentive District.

DEIR I17-004 This comment expresses opposition to the proposed roundabouts due to limited space, impacts to traffic flow, and safety concerns for motorists, bicyclists, and pedestrians. Please refer to response DEIR I17-002 for response to this comment.

DEIR I17-005 This comment requests that Coast Highway stays as a four lane roadway. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

DEIR I17-006 This comment recommends that instead of implementing the project to instead install lighted crosswalks, complete the Rail Trail, and beautify the Coast Highway corridor with new trees. While the City appreciates this commenter’s input on alternative design features and projects in the coastal zone, since this comment does not raise any issue concerning the adequacy of the DEIR, no specific response to this comment is required.



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 760-803-6813

August 28, 2017

City of Oceanside  
 300 N. Coast Highway  
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RE: Draft EIR- Coast Highway

To whom it may concern:

Thank you for offering us the opportunity to comment on this proposed project. Friends of Loma Alta Creek (Friends) want to ensure all development in the City is appropriate and will not overly impact the natural resources of the area and will significantly contribute to sustainability of the City while complying with existing zoning, Housing Element and Land Use elements. We believe any project, particularly one of this scope and size, should have a positive public benefit not only for the direct area but for all who pay taxes, play, work and do business in the Project Area.

In general, we are in favor of the street beautification ideas in Complete Streets. These will contribute to the overall quality of life for those who work, play and live downtown and along the entire stretch of Coast Highway in the City of Oceanside. Improvements we support include mid-block and lighted crosswalks at crucial streets, eliminating the tall, non-shade bearing palm trees and replacing them with appropriate shade trees, adding more bike racks, adding more benches and other such accoutrements that will beautiful the businesses along the corridor. We would also support some lane striping that narrows the road on some segments without actually reducing lanes. We'd also support a facia-type improvement incentive program to update some of the older building fronts. This would have rapid results in making Coast Highway look fresher and more modern. Last, we support finishing the Coastal Rail Trail and making that the most appropriate route for bicyclists. Bikes simply do not belong on Coast Highway. They have several alternatives to cross town without impeding the flow of traffic that would be required with a one-lane road diet, including Pacific Street, Rail Trail, and several other easily accessible adjacent streets. We are rather surprised at the lane diet proposal as this was not discussed in the Vision for many, many years.

DEIR  
I18-1

However, we strongly support no lane diet, particularly in South O. The businesses and residents who live, work and play there have stated many times they do not want it (public testimony, surveys and petitions), nor do they want the Overlay, which would necessarily encourage residential growth and some canyonization. The concerns for cut-through traffic safety concerns are valid and should have been analyzed. The concerns about parking losses are valid and should have been analyzed.

DEIR  
I18-1

Therefore, we SUPPORT NO PROJECT at this time. We do not feel enough reasonable alternatives were presented for analysis, including an alternative for South of Oceanside Boulevard.

The DEIR failed to address numerous comments *we placed in the record* on July 1, 2016 in our comments to the NOP and we would insist they be properly analyzed. (See attached letter 7-1-2017 to City of Oceanside, John Amberson) **We reiterate our comments and want them addressed. We believe they were glossed over with no serious attempts to properly analyze them.**

DEIR  
I18-2

Overall we find many areas of this document deficient as it fails to apply appropriate CEQA thresholds without properly analyzing the actual proposed project and its impacts to many issues. To say there are no significant effects for the critical elements cannot be supported by a reasonable person. A DEIR analysis should have enough factual data in order for someone to critically evaluate and comment on the project. That is not done here in particular regarding the Traffic, Noise, Overlay, Cumulative Impacts, Emergency Access, Growth Impacts, or the Complete Streets Lane Diet sections.

**LANE DIET:**

- We object to a one lane each direction lane diet as the current traffic count, prior to any Overlay development, is too large to be supported and safe for all users. It is simply not feasible with our frequent road closures, diversion from I-5, particularly during widening construction, and the overall vehicle volume we currently have. We oppose any lane diets, particularly in South O where the character of the area supports and requires 4 lanes for traffic flow, deliveries and public transit along with no reduction of on-street parking for customers, workers, transit and deliveries. There is no factual basis upon which to propose lane diets. No other North Coastal town, including Del Mar, Solana Beach, Encinitas or Carlsbad have installed permanent one-lane road diets yet still have safe streets and streets that properly serve the public benefit including economic support of businesses. I have driven the Coast Highway from Del Mar to Oceanside and have never observed the success of single lane roadways. This is particularly true in each city if there is residential and/or commercial development on both sides of the roadway such as we have in Oceanside-NONE of these cities have implemented the drastic changes proposed in the DEIR yet manage to maintain safe, attractive roadways for vehicles and pedestrians. I have personally driven Coast Highway, as I have been driving it since 1967!, from Del Mar to Oceanside a thousand times or more and observed absolutely NO JUSTIFIABLE NEED for lane diets as they will have serious, unavoidable impacts not only to traffic flow, deliveries and public transit, but public safety as well. These include the unavoidable impacts of poor response times for public safety as an example. There are also numerous level of service failures with the project, particularly from Oceanside Boulevard south. That alone makes the road diet objectionable for South O and largely for the rest of the Coast Highway.
- We object to the Overlay portion of the DEIR. That was not adequately vetted to the public, having only been issued after a Developer’s only meeting in January 2017. The lack of transparency for this element is shockingly inappropriate. The Coast Highway Vision was vetted over a number of years with multiple public meetings; the overlay was not and should be

DEIR  
I18-3

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I18-4

eliminated. It's a major change in zoning and uses that require a thorough public review prior to inclusion in this or any other document. It changes the areas that could be included merely with one person at the helm making that decision. It improperly allows for developer incentives that could include absolutely NO parking for their developments. These are simply objectionable on their face and do absolutely nothing to improve the quality of life for residents. The impacts were not properly analyzed but mere conclusions were made in the DEIR or vague statements that not enough information is known at the time to do a proper analysis. On that basis alone, the Overlay should be separated from the Coast Highway DEIR. One could not properly analyze the impacts without the City properly laying out factual data to consider. There is no factual basis upon which one may conclude zone changes, administrative approvals, average building heights, incentives for no onsite parking, etc. would be a public benefit to the City.

DEIR  
I18-4

**SAFETY:**

- There were no statistics presented in the DEIR in order to justify single lane diets and roundabouts. There were no crash statistic or engineering studies of one lane roundabouts on Coast Highway and why they would carry the flow of traffic we currently have or even if our streets are wide enough to accommodate them without removal of precious parking spaces. I read a Highway Safety Administration document that stated unequivocally that 20,000 trips per day cannot support a single lane diet and/or single lane roundabout. Taken with our numerous road closures due to various factors, the volume of traffic and failure to adequately analyze safety, freight and public transit issues, a single lane road diet is not acceptable. We have all seen the drawings for complete streets but they must be applied to current conditions and future conditions on the City of Oceanside's Coast Highway, not some vague Everywhere City with lower traffic volumes and potential impacts. This was not adequately analyzed.

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I18-5

**PARKING:**

Each roadway segment should have the exact number of on-street parking spaces that are proposed for removal. Again, the DEIR is factually inadequate for one to properly analyze the impacts.

DEIR  
I18-6

**CUMMULATIVE EFFECTS:**

- Sadly it appears the consultants looked also at this plan in an isolated manner, particularly failing to address the major roadways that lead to the Coast Highway area. Each area within a mile or two of Coast Highway will be directly impacted, particularly quiet neighborhood streets adjacent to the project. I have observed impacts hundreds if not thousands of times during road closures, holidays, seasonal traffic, and freeway stoppages. We are extraordinarily disappointed they failed to include I-5 as a project that would impact this Project. This must be analyzed.
- Also the City failed to analyze the impacts from the Quiet Zones Project construction both on traffic flow, parking impacts, noise impacts, safety access and response times to adjacent hotels, businesses and residences and so forth. This must be done.

DEIR  
I18-7

In addition, these expected impacts were either not studied at all or ignored or summarily dismissed with conclusory statements that did not elucidate the true or reasonably anticipated impacts:

**Traffic:**

- The City failed to meet with CalTrans prior to preparation of the DEIR and merely included a few basic manuals rather than consultation with regional staff about the I-5 widening and potential

DEIR  
I18-8

serious environmental impacts to Vista Way, Cassidy, California Street, Oceanside Boulevard, and Mission Avenue.

- The City failed to meet with NCTD prior to the preparation of the DEIR and merely included a NCTD map as reference material; obviously road stoppages due to bus stops must analyzed, including buses and the Sprinter.
- The City failed to analyze freight deliveries, particularly in South O, where they frequently stop IN the lane and block traffic. Most businesses in that area have no parking lots or alleyways for delivery. I have frequently seen stopped traffic due to delivery vehicles blocking lanes. The impacts of freight deliveries, including current land use, delivery parking areas and truck size must be analyzed.
- The City failed to do the basic engineering or measure the streets to determine is roundabouts are a serious measure to be included in this plan. The impacts on public safety were not properly discussed or analyzed. Again, we request the City do some real life engineering and testing with Fire ladder trucks and other very large vehicles, like double rig trucks. Without presenting any factual data as such, one could not reasonably be expected to analyze and discuss potential impacts. Conclusory statements regarding public safety needing more stations, more personnel and the fact that response times are below expect would not lead one to factually analyze those impacts.
- The City failed to analyze Coast Highway and adjacent road closures for special events. Kindly enumerate them and analyze which alternative routes and the impacts will be made.

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**Overlay:**

- Analyze how 5900 more residential units and 29,000 square feet of retail and an unknown addition of commercial properties will impact the streets regarding expected number of vehicles and parking needs. As you know, Oceanside has a very, very, very low Jobs-to-Housing ration, so one could reasonably expect a major increase of vehicles in the City for people to get to their jobs elsewhere and/or to go to retail locations in Oceanside for work. Kindly discuss these very real impacts on parking.

DEIR  
I18-13

**Public Services Impacts/Costs:**

- No discussion was made of public services costs relative to the overlay increased density and zoning changes. Kindly analyze. Merely stated conclusions that developers will pay impact fees certainly does not explicitly discuss or analyze the true cost for public services, including public safety, libraries (does not meet the standard) and parks/greenspace needs. It should be put in factually that such impact fees do not lead to increased services due to relatively modest amounts paid, which certainly would NOT purchase a new fire station, more police employees, or an enhanced library system.
- There is no discussion about vehicles utilizing “side streets” during road closures, freeway diversion, or simply large amounts of bumper-to-bumper traffic generated seasonally or during weekends. Please analyze the expected road closures impacts on each street that would be impacted by cut-through or avoidance traffic. At the least, this should include Ditmar, Tremont, Cleveland, Clementine, Freeman, Alvarado, Nevada and streets perpendicular to them including Oceanside Boulevard, Mission Avenue, West Vista Way, Cassidy Street and others similarly situated.

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**TABLE 5-2- Avoidable Impacts with No Mitigation**

Last, in reviewing unavoidable but serious impacts, we find Noise and Vibration impacts to be an unacceptable factor for all alternatives except No Project. (See Table 5-2) This is particularly true where

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there are sensitive receptors like children at adjacent schools. This includes noise along Wisconsin Avenue and Washington Street. We believe there are other streets that will need to be analyzed for noise/vibration impacts, including near locations for senior residential.

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The same is true for Transportation and Traffic Impacts of Complete Streets particularly if single lane roundabouts are utilized. Again, no true engineering analysis was done for any of the Alternatives.

The same is true for Traffic Conditions for Future 2035. There was no attempt to analyze increased population and traffic due to growth incentives in the Overlay.

DEIR  
I18-17

The same is true for Vista Way and several other streets; mitigation of significant impacts cannot be done particularly if single lane roundabouts are suggested as mitigation factors. They simply will not work.

The same is true for Emergency Access and Response, which we discussed earlier. Merely preparing a construction traffic plan does NOT ensure adequate access and response, particularly for high rise buildings and businesses facing along Coast Highway. It is shocking to us the City would state current response times are not adequate yet encourage growth inducements through the Overlay Plan. That is unacceptable. Further, the modest amounts of impact fees do not come close to covering the costs for new personnel or facilities.

DEIR  
I18-18

The same is true for cumulative operational impacts from the Overlay. Merely stated they are "considered cumulatively significant and unavoidable" does not give the reviewing public adequate information for meaningful review. This oversight must be corrected. (Table 4-2)

DEIR  
I18-19

**Project and Alternatives:**

This project and its alternatives simply have too many significant, unavoidable impacts in order to be considered in the DEIR's iteration of alternatives. More alternatives must be presented that would not have significant, unavoidable impacts. So far, the NO PROJECT alternative must be the preferred alternative.

DEIR  
I18-20

Again, we find this DEIR and overall project fails, at many levels as outlined above, to justify a project of this size, scope and density. More analysis must be done and more alternatives must be analyzed. The Overlay element must be removed for proper public vetting.

DEIR  
I18-21

We support NO PROJECT alternative due to the mass amounts of unavoidable, serious environmental impacts with the proposed alternatives.

Very sincerely,



Nadine L. Scott, Attorney  
Friends of Loma Alta Creek

Cpy:file



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July 1, 2016

City of Oceanside  
John Amberson, Transportation Planner  
300 N. Coast Highway  
Oceanside CA 92054

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[zbeck@ci.oceanside.ca.us](mailto:zbeck@ci.oceanside.ca.us)

#### COMMENTS ON COAST HIGHWAY PROJECT NOP

Hi John,

Kindly accept our additional and reiterated comments below.

One of our major concerns is freeway stoppages for whatever reason and how this will affect traffic flow in the event of a lane diet. We have personally observed stoppages based on car accidents, high volume traffic from Thursday to Sunday, and every major holiday backups. We also observe that vehicles leave I-5 to continue through on Coast Highway.

Additionally we have serious overall concerns with safety, traffic flow, increases to GHG, public safety response times, business impacts based on lack of adequate parking, particularly in South Oceanside, etc.

The Plan was supposed to make it safer and more beautiful for pedestrians/bikers and drivers. Landscaping, various traffic calming measures and crosswalks should be analyzed for overall safety, traffic movement, and beautification without taking out parking, slowing down vehicle traffic to a crawl, and having bikers ride inside the proposed roundabouts.

- Analyze the fiscal impact of approximately 72% of our residents driving out of town for work during typical rush-hours, and during traffic congestion due to the various scenarios out lined below<sup>1</sup>
- Please have a face-to-face consultation with CalTrans regarding their designation of Coast Highway as an alternative roadway for I-5 congestion; analyze how a two lane road diet serves as alternative route to I-5 during backups and emergency closures of I-5; it would be a complete waste of time to pursue further studies if they will not agree to a two-lane road diet;

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<sup>1</sup> 2013 Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics, San Diego Union Tribune, May 15, 2016

- In that same vein, analyze traffic during peak periods on the I-5 freeway, M-F 7-10am, Thursdays southbound in afternoon and early evening, Fridays southbound in afternoon and early evening, Saturday, southbound all day, Sunday northbound afternoon and evening hours;
- Ditto for NCTD bus stoppages every 5-15 minutes on the Coast Highway corridor as well as safety for bike riders, particularly if busses stop in the bike or traffic lane and completely block traffic;
- Discuss delivery truck stoppages in those areas where there is not alternative off-road site for delivery; it should be noted that commercial traffic is prohibited in residential areas; currently such truck deliveries block an entire lane of traffic;
- Analyze NCTD train crossing stoppages including data from Amtrak, Coaster and Sprinter;
- The traffic study for Coast Highway cannot be made in a vacuum. All adjacent streets/freeway traffic and public safety response times will need to be analyzed;
- Analyze impacts of roundabouts when traffic exceeds the usual threshold of 20,000 car trips daily;
- Analyze potential closures of off ramps heading into Oceanside during I-5 widening projects as well as potential closures of Highway 78, whether they be permanent or temporary; this should include public safety response times. As you know Station 2 Fire Department largely takes calls in Carlsbad. Discuss how South Oceanside will have adequate, timely coverage in the event Station 2 is out of service in an adjoining jurisdiction; ditto for Station 1 area- analyze how a much-needed ladder truck, fire truck and paramedics would be able to access the downtown area in the event of a high-rise emergency;
- Analyze public safety response times during peak congestion hours of I-5;
- Analyze public safety response times during all holidays, *all special events*, and any road closures adjacent to the Coast Highway
- Please ensure the closure of Pier View Way *is not* included in this study; that was never discussed by the council or in a public forum;
- Analyze roundabout engineering and discuss how families and children having to ride through roundabouts is a safety benefit;
- Analyze roundabout engineering and discuss how Oceanside Fire Department (and Oceanside Police Department) vehicles, trucks, ladder truck and paramedic vans can make u-turns, jumps/access over solid medians to reach areas on the opposite side of traffic, particularly when faced with highly congested two-lane only traffic; discuss impacts on response times; analyze capital costs of repair/replacement of public safety vehicles;
- Discuss fiscal impacts on public safety service costs;
- Discuss fiscal impacts on Coast Highway businesses in South Oceanside when parking is removed;
- Analyze fiscal impacts on all Coast Highway businesses if two lanes of traffic are not moving- this would most likely occur during I-5 stoppages or heavy congestion. We doubt consumers will return to Oceanside to spend their money if stuck in traffic for several hours;

- Analyze impacts on adjacent neighborhood streets with cut-through traffic in the event Coast Highway is clogged and/or stopped; analyze the neighborhood access to public safety in this event also;
- Discuss how riding in traffic through a roundabout is safer than riding bicycles on adjacent roadways; discuss when the Coastal Rail Trail, a much preferred alternative, can be completed;
- Discuss how oversized vehicles, motor homes, trucks and trailers can negotiate roundabouts and not endanger riders in roundabouts
- Discuss how the parking in “the Dip” is convenient and close enough to make up for South Oceanside parking losses to the frontage businesses there; we believe this is *not* a parking replacement that will likely be used, discuss;
- Use the latest SANDAG modeling;
- Analyze Green House Gasses relative to traffic backups during peak and holiday times;
- Analyze traffic/parking relative to special event closures for filming, special events like surf contests, parades, military appreciation day, etc;
- Do a full parking demand study for each segment of Coast Highway, including North Oceanside, Downtown and South Oceanside; this should include size of each business, currently available and required parking, planned parking but not include other options;
- Study use of residential development in the Coastal Zone relative to short-term rental impacts;
- Analyze blockages at Morse Street/Oceanside Boulevard due to lane diet.

Thank you for the opportunity to comment on this very important project. We all want Oceanside to look nice and be attractive, but not at the cost of our local businesses, revenue production and movement of commerce, public safety response times or impacts to the environment.



Nadine L. Scott, Attorney  
Friends of Loma Alta Creek

**Letter  
DEIR I18  
Response**

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**Friends of Loma Alta Creek  
August 28, 2017**

DEIR I18-001 This introductory comment expresses opposition to the project, with the exception of the streetscaping, as this commenter is against the road diet, creation of bike lanes along Coast Highway, as the Rail Trail should be finished for bicyclist to use, and the Incentive District. This comment also states that the road diet is not consistent with the Vision Plan and that the DEIR lacked enough reasonable alternatives, including an alternative for South Oceanside. This commenter incorrectly states that the project is inconsistent with the vision of the city as the project would facilitate implementation of the Coast Highway Vision and Strategic Plan (Vision Plan). Please refer to response DEIR I16-003 for the response to this portion of this comment.

Additionally, in accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. The DEIR included three alternatives to the project in addition to the No Project Alternative, which was updated to include an additional project alternative (a total of four project alternatives and the No Project Alternative) in the PRDEIR. In addition, Chapter 5, *Alternatives*, of the DEIR and PRDEIR included an explanation as to why the alternative site or location alternative was not further evaluated in the EIR. Therefore, the EIR did sufficiently evaluate a reasonable range of alternatives to the project. Furthermore, Alternatives 1 through 4 of the PRDEIR included various refinements to the project to eliminate different project components from South Oceanside, which included limiting the Complete Streets improvements and the Incentive District in different combinations per each alternative.

DEIR I18-002 This comment states that the DEIR fails to address these comments that this commenter put in the public record during the Notice of Preparation (NOP) period. In addition, this comment states that the DEIR fails to apply the appropriate CEQA thresholds without properly analyzing the actual proposed project and its impact to many issues, particularly in the traffic, noise, Incentive District, cumulative impacts, emergency access, growth impacts, or the Complete Streets improvements sections.

While Section 15082 of the CEQA Guidelines does not require the lead agency to prepare formal responses to comments received on NOP, the lead agency should consider the NOP comments in the development of the scope of the analysis contained in the EIR. This comment letter submitted by this commenter

during the NOP included comments that expressed concern with traffic, including congestions, flow, and the potential for cut through traffic from I-5; public safety, including the feasibility of emergency and larger vehicles safely navigating through the roundabouts and impacts to emergency services' response times; increases in GHG emissions; economic impacts due to parking impacts, particularly in South Oceanside; and impacts to alternative transportation.

In regards to traffic impacts, the EIR for the Coast Highway Corridor Project includes a comprehensive traffic impact analysis that assesses traffic conditions for both weekday peak hours and full weekday conditions. The traffic analysis was conducted using methodology that is consistent with the guidelines and requirements of the City of Oceanside, Caltrans, and SANDAG. The proposed roadway improvements identified in both the DEIR and PRDEIR are intended to incorporate Complete Streets enhancements to the Coast Highway corridor, enhancing the experience and safety for residents and visitors traveling the corridor, regardless of their mode of travel. As shown in the PRDEIR, seven of the ten intersections identified as impacted in future conditions can be sufficiently mitigated with the measures identified in the PRDEIR. Additionally, the proposed roundabouts are intended to promote more consistent vehicle flow through the corridor with the proposed reduction in travel lanes, when compared to traffic conditions with traffic signals. The four locations with significant and unavoidable impacts would not impact the overall progression and flow of traffic through the corridor, but would be areas of localized delay where forecasted delays would impact lower volume cross-streets more than the higher volume corridors of Coast Highway and Vista Way. Based on the results of this comprehensive traffic impact analysis, the proposed project is not forecasted to significantly impact regional traffic patterns or access to the coastal portions of Oceanside.

In regards to cut-through traffic impacts, the TIA (2018) study locations included several parallel and intersecting streets and intersections that served the residential neighborhoods near the Coast Highway corridor. The purpose of including these intersections in the analysis was to identify potential impacts resulting from cut-through or diverted traffic, and the appropriate mitigation measures to address any impacts. As discussed in Section 3.14, *Transportation and Traffic*, of the PRDEIR, all significant traffic impacts would be reduced to less than significant, with the exception of four intersections (Coast Highway and Cassidy St; Oceanside Boulevard and I-5 Southbound On-/Off-Ramps (PM peak-hour); Coast Highway and Wisconsin Avenue; and Vista Way and I-5 Southbound On-/Off-Ramps) in the Future + Project scenario due to no feasible mitigation to fully mitigate the impacts at these four locations. Therefore, the DEIR and PRDEIR addresses the traffic comments received from this commenter during the NOP comment period.

In regards to public safety, including emergency access and response times, Section 3.14, *Transportation and Traffic*, of the DEIR and PRDEIR analyzed potential emergency evacuation access impacts with project implementation and concluded impacts would be less than significant with implementation of mitigation measures that require implementation of a Traffic Control Plan for temporary roadway interferences and/or closures. The Traffic Control Plan would be prepared in accordance with the City's traffic control guidelines. The Traffic Control Plan would show all signage, striping, delineated detours, flagging operations, and any other devices that would be used to guide motorists, including buses, safely through the lane closure and allow for adequate access and circulation to the satisfaction of the City. The Traffic Control Plan would ensure that construction does not interfere unnecessarily with the work of other agencies such as emergency service providers, mail delivery, school buses, and municipal waste services. Emergency access would not be impacted during construction of the proposed project. The Traffic Control Plan would also ensure that congestion and traffic delay are not substantially increased and would also detail how to access to the corridor, adjacent businesses, and the coastal areas during lane closures.

In addition, the City's Fire Department has reviewed the proposed traffic-calming measures and has concluded that the proposed roundabouts have been designed to avoid affects to response times.<sup>4</sup> Response times are a multi-faceted issue as they are affected by allocation of resources, the number of calls received at any given time, the number of response units in the field, and other factors. Given this complexity and the need to remain diligent about proper design of the new intersection and roadway features proposed in the project, the Fire Department has been and would continue to be part of the design process of the Complete Streets improvements. This continued design review and analysis would ensure that the lane reduction and new roundabouts would accommodate large fire engines and not negatively affect response times. The proposed design for the Coast Highway allows for heavy vehicle radii for turning left and making U-turns. In addition, Coast Highway's center median would be constructed with low curbs to allow left turning access to fire trucks and police vehicles mid-block. For these reasons, operation of the Complete Streets improvements would not have significant impacts with regard to fire performance objectives.

Furthermore, based on discussions with the Fire Department, construction, holiday congestion, and special event impacts are routinely dealt with by the Fire Department. Special events require committee approval of an event safety plan, and the Fire Department participates on a committee for these events on a regular basis. Special events are sometimes approved on the condition of having extra resources put in place. Any impact due construction on Interstate 5 would require a mutually agreed upon mitigation plan with Caltrans. Peak congestion hours of

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<sup>4</sup> Email communication with David Parsons, Fire Captain at the Oceanside Fire Department, November 22, 2017.

I-5 would have an effect on traffic accidents on the freeway, as is the current situation. Fire Department units responding to neighborhoods in and around I-5 would have to use alternate routes. Automatic aid provided to the City of Carlsbad is reciprocated to the City of Oceanside providing a net benefit to both communities. Therefore, the DEIR and PRDEIR conforms with the public safety comments provided by this commenter during the NOP comment period.

Section 15131(b) states that economic impacts are part of understanding the significance of a proposed change, where the exact language is provided below:

*“Economic or social effects of a project may (emphasis added) be used to determine the significance of physical changes caused by the project... Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.”*

Furthermore, Section 15131(a) states:

*“Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”*

As noted in Section 15131(a), the focus of the analysis should be on the physical changes to the environment. Therefore, an economic analysis is not included in the EIR for the project.

Related to the example raised by this commenter (traffic congestion and effects on existing businesses) the EIR addresses the potential for traffic congestion in Section 3.14, *Transportation and Traffic*, of the PRDEIR. While the analysis of parking is not required under CEQA, information regarding the change in the number and location of on-street parking spaces along Coast Highway between existing conditions, the proposed project, and the project alternatives is presented in Section 9.0 of the appendices of the revised TIA (2018) included in the PRDEIR, as summarized in the table below.

Segment	No Project	Project	Alternative 1	Alternative 2	Alternative 3
Harbor to SR-76	45	45	45	45	45
SR-76 to Wisconsin	199	149	149	149	149
Wisconsin to Oceanside	98	79	79	79	79
Oceanside to Morse	6	92	6	92	92
Morse to Vista	95	95	95	95	95
Corridor On-Street Parking Total	443	460	374	460	460

As shown in the table above, the proposed project and Alternatives 2 and 3 would increase the public on-street parking supply along Coast Highway from approximately 443 spaces to 460 spaces. In contrast, Alternative 1 would result in a reduction in overall on-street parking supply, because of the inability to add new on-street parking in Segment 4 between Oceanside Boulevard and Morse Street. The project, Alternative 2, and Alternative 3 do redistribute some on-street parking supply from segment 2 (SR 76 to Wisconsin Avenue) to segment 4 (Oceanside Boulevard to Morse Street). This redistribution of parking supply does not impact coastal access as both segments are equal distance to the coast. Furthermore, segment 2 has substantially more existing public parking resources that serve the coastal zone and beach areas than does segment 4, so a redistribution of this public parking supply may have a net benefit for beach access as well as for businesses located in South Oceanside.

In regards to impacts to alternative transportation, the proposed project would install bike lanes along the entirety of the corridor, which would allow for easier use of this roadway by bicyclists. Section 3.14, *Traffic and Transportation*, of the DEIR and PRDEIR states construction of the Complete Streets improvements would require partial lane closures during construction of the roundabouts. However, MM-Complete Streets-TRAF 3 would require the construction contractor to prepare a Traffic Control Plan, which would show all signage, striping, delineated detours, flagging operations, and any other devices that would be used during construction to guide motorists, including buses, bicyclists, and pedestrians safely through the construction area and allow for adequate access and circulation to the satisfaction of the City. Implementation of MM-Complete Streets-TRAF 3 would ensure that impacts to alternative transportation during construction is less than significant.

In addition, the City has met with the North County Transit District (NCTD) during the course of the project study effort to review NCTD bus operations and needs. The project design process, which would occur following certification of EIR, would include development of appropriate roadway and streetscape designs to accommodate NCTD bus operations and needs, including ADA requirements, which would be facilitated through discussion between the City and NCTD.

This commenter has incorrectly stated that the DEIR inadequately analyzed project impacts related to GHG Emissions, Noise, Cumulative Impacts and Growth Inducement. In accordance with Appendix G of the state CEQA Guidelines, the DEIR and PRDEIR analysis focuses on the potential project conflicts or inconsistencies with the established state thresholds per each environmental topic area for the purpose of avoiding or mitigating an environmental impact. The DEIR analyzed each of this environmental topic areas in the following sections: Section 3.6, *Greenhouse Gas Emissions*; 3.10, *Noise and Vibration*; Chapter 4, *Cumulative Impacts*; and Chapter 6, *Other CEQA Consideration* (includes Growth Inducement). Based off the evaluation of the

project against the state CEQA thresholds, the DEIR and PRDEIR concluded if the project would result in any significant impacts and incorporated mitigation measures as necessary to reduce impacts to the lowest extent possible within each of these respective sections. Therefore, the analysis contained in the DEIR and PRDEIR is sufficient in accordance with CEQA.

DEIR I18-003 This comment opposes the reduction in roadway lanes and states that implementing the Complete Streets improvements would result in unavoidable impacts to traffic flow, deliveries, public transit, and public safety. Please refer to responses DEIR I17-002 and DEIR I7-008 for a response to this comment.

DEIR I18-004 This comment objects to the Incentive District as in this commenter's opinion this project component was not publically vetted, lacks factual data to support the DEIR conclusions, constitutes major zoning changes, and would give developer incentives without requiring parking requirements. This comment also mandates that the Incentive District be removed from the project and EIR.

As described in Chapter 2, *Project Description*, of the DEIR, the Incentive District is an optional zoning program that individual developers could choose to apply for new development or redevelopment within the Incentive District boundary in lieu of the existing zoning. However, it should be stated, the adoption of the Incentive District does not eliminate the existing zoning designations of the project area but rather overlays the optional zoning program in the event that developers or property owners choose develop their property in a different manner than what the existing zoning allows. The Incentive District would allow for different types of residential, commercial, and mixed-use developments throughout the corridor. The intent of the Incentive District is to provide a stimulus in the project area and to encourage the type of development that the City would prefer in the project area.

Additionally, the City prepared the Vision Plan and the City Council voted to accept the Vision Plan in 2009 to serve as an advisory document to help guide future development within the Coast Highway corridor. The concept of the Incentive District was inspired by the Vision Plan, which served as a guidance document, along with the City's General Plan, during the development of the Incentive District. The Incentive District would facilitate implementation of the Vision Plan by encouraging redevelopment and revitalization of the Coast Highway corridor. The CEQA process includes various points in the process for public input on the project, including the public comment period and scoping meeting during the NOP process and the public comment period during the public review process of the DEIR. Even though the CEQA process is concerned with the environmental impacts and mitigation of the project, all comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

This comment incorrectly states that the DEIR lacks factual evidence for the environmental analysis for the Incentive District. The technical analyses included in the DEIR and PRDEIR are based on technical studies, which are included as appendices to the EIR, that use scientific models and methodologies recognized by the applicable overseeing agencies to determine the environmental impacts of the project. The environmental issues addressed in this DEIR and PRDEIR were established through review of environmental documentation developed for the project, environmental documentation for nearby projects, and public and agency responses to the NOP. In accordance with Appendix G of the state CEQA Guidelines, the DEIR and PRDEIR analysis focuses on the potential project conflicts or inconsistencies with the established state thresholds per each environmental topic area for the purpose of avoiding or mitigating an environmental impact. Based on the approach described above, the DEIR and PRDEIR provide an analysis of reasonably foreseeable impacts associated with the construction and operation of the proposed project. Therefore, the analysis contained in the DEIR and PRDEIR is sufficient in accordance with CEQA.

This commenter incorrectly states that parking requirements are not included in the Incentive District. Please refer to response DEIR I17-003 for the response to this comment.

- DEIR I18-005 This comment addresses concerns regarding safety, specifically in regards to the lane diets and roundabouts, and states that the traffic impacts were not adequately analyzed in the DEIR. Please refer to response DEIR I16-003 for the response to this comment.
- DEIR I18-006 This comment states that the DEIR lacks impacts to parking with project implementation. Please response DEIR I4-007 for the response to this comment.
- DEIR I18-007 This comment states that the DEIR fails to analyze cumulative impacts associated with project implementation. Please refer to response DEIR I10-008 for the response to this comment.
- DEIR I18-008 This comment incorrectly states that the City failed to meet with Caltrans prior to the preparation of the DEIR and only relied on Caltrans manuals when preparing the traffic analysis. The City has coordinated with Caltrans throughout the duration of the Coast Highway Corridor Study project and continues to coordinate with Caltrans on this project as others in the city. Most recently, the City meet with Caltrans to discuss their comment letter on the DEIR as well as to discussion the revisions necessary for the revised TIA (2018) prepared in support of the PRDEIR, where the EIR was primarily recirculated due to Caltrans' input and comments. Furthermore, please refer to response DEIR I17-002 for the response to agencies' input and guidance used for the traffic analysis.

DEIR I18-009 This comment states that the City failed to meet with the NCTD prior to the preparation of the DEIR and only relied on NCTD maps when preparing the traffic analysis. The City has coordinated with NCTD throughout the study process. NCTD staff members participated in the Stakeholder Working Group established for the project and have provided input throughout the study process. Also, please refer to response DEIR I17-002 for the response to agencies' input and guidance used for the traffic analysis.

DEIR I18-010 This comment states that the traffic analysis fails to analyze freight deliveries, which frequently stop in the roadway and block traffic. Examination of commercial truck loading zones has been included in the TIA, but is not required to be presented in the DEIR. The City is currently going through the process to identify locations where part-time or full-time loading zones can be designated along the curb in order to not block through traffic. These curb-adjacent loading zones would be located either on Coast Highway or on intersecting streets, not in residential zones.

DEIR I18-011 This comment states that the City has failed to prepare basic engineering or measure the street for the proposed roundabouts and requests that the City do real life engineering and testing with fire trucks, including ladder trucks, to ensure that emergency vehicles can safely navigate the roundabouts and would impact response times. Based on discussions with the Fire Department, the Oceanside Fire and Transportation Engineering departments have conducted real world street level tests of roundabout maneuvering with the longest fire vehicle in the fleet. The City has a working understanding of the potential issues. Each roundabout design, including the future designs for the Oceanside Coast Highway Corridor project should it move forward, would be evaluated individually during the design phase. Roundabouts in concept are not a cause for concern for the Oceanside Fire Department.<sup>5</sup>

In addition, the City of Oceanside has prepared 30 percent design preliminary engineering plans for the Coast Highway Corridor Study project. The development of these preliminary engineering plans included examination of the adequacy of the roundabout design to accommodate large trucks that would be anticipated to use Coast Highway. The design of the roundabouts would be further advanced and refined during subsequent stages of project design.

Please refer to the response DEIR I4-003 for the response to how the project would affect emergency response times.

DEIR I18-012 This comment states that the City failed to analyze Coast Highway and adjacent road closures for special events. In accordance with the City's traffic impact analysis guidelines, traffic analysis for special events is not required as part of the DEIR as analysis of these special events would be the responsibility of each

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<sup>5</sup> Email communication with David Parsons, Fire Captain at the Oceanside Fire Department, November 22, 2017.

event proponent. Please refer to response DEIR I18-002 for the response to types of traffic requirements required for special events in the city.

- DEIR I18-013 This comment questions if the traffic analysis accounted for the additional vehicles trips associated with the increased density allowed under the Incentive District. As detailed in the TIA (2017) contained in the DEIR and the revised TIA (2018) contained in the PRDEIR, the traffic modeling for the future year 2035 with project scenarios evaluates future traffic conditions with implementation of the Complete Streets improvements as well as accounts for the estimated growth projected under the land use conditions of the Incentive District. In addition, the travel demand model used for the traffic analysis incorporates anticipated regional and local growth in population and employment for Oceanside and San Diego County as forecast by SANDAG and consistent with the Regional Transportation Plan (RTP).
- DEIR I18-014 This comment notes that the DEIR does not include a discussion of public services costs and requests that such an analysis be included in the EIR. It is correct that the DEIR does not include an analysis of public service costs. Rather, the DEIR includes an analysis of the effects of changes to the environment that could result from potential expansions of public services, consistent with CEQA. This environmental analysis is contained in Chapter 3.12, *Public Services*, of the DEIR. The analysis concludes that the potential for environmental impacts to fire and police protection, schools and libraries would be less than significant. Under CEQA’s definition of environmental impacts, increases in demands on public facilities, services, and utilities that could result from a project are not environmental impacts that must be evaluated (*City of Hayward v Board of Trustees of Cal. State Univ. (2015) 242 CA 4th 833, Section 6.36*).
- DEIR I18-015 This comment states that the DEIR should include analysis about the use of side streets for cut-through or avoidance traffic and requests additional analysis of traffic on side streets, specifically “Ditmar, Tremont, Cleveland, Clementine, Freeman, Alvarado, Nevada and streets perpendicular to them including Oceanside Boulevard, Mission Avenue, West Vista Way, Cassidy Street and others similarly situated”, during road closures, freeway diversion, or large amounts of bumper to bumper traffic. The TIA (2017) contained in the DEIR and the revised TIA (2018) contained in the PRDEIR analyze traffic conditions during the weekday AM and PM peak hours, consistent with the City’s traffic study guidelines. Analysis of traffic conditions during road closures, freeway diversion, and other temporary and infrequent events is not required by the City’s guidelines nor by CEQA. Please refer to response DEIR I6-002 for the response regarding the analysis of cut-through traffic.
- DEIR I18-016 This comment objects to the significant and unavoidable noise and vibration impacts and states that the DEIR needs to analyze all streets in the project area for noise impacts, especially those near senior residential locations. Noise

impacts are addressed in Section 3.10 *Noise and Vibration*, of the DEIR and in Chapter 2, *Errata*, of the PRDER. The noise analysis evaluated 54 roadway segments and addressed whether the proposed project, including the proposed roundabouts and traffic recirculation with traffic from future redevelopment, would result in a substantial permanent increase in ambient noise levels in the project vicinity or expose persons to noise levels in excess of standards established in the local general plan or noise ordinance. As discussed in Chapter 2, *Errata*, of the PRDEIR, due to the changes in the traffic impact analysis in the revised TIA (2018), significant traffic noise impacts would occur along one roadway segment, Michigan Avenue east of Coast Highway, with implementation of the project. Because of the configuration of existing land uses in this area, these impacts could not be avoided with implementation of the project. Specifically, vehicles traveling on this roadway segment access driveways of existing residential and commercial uses along this roadway segment.

In regards to the significant and unavoidable noise impact, prior to approval of the project or any of the project alternatives the City would also need to demonstrate that the benefits of the project outweigh the environmental consequences of the project (through the Findings of Fact and Statement of Overriding Considerations).

- DEIR I18-017 This comment states that the DEIR fails to adequately analyze the future year 2035 traffic conditions that includes the projected growth under the Incentive District and objects to the use of single lane roundabout. Please refer to response DEIR I18-013 for a response regarding the traffic analysis for the future year 2035 conditions. The portion of this comment that disagrees with the use of single lane roundabouts, this comment doesn't does not address the adequacy of the DEIR and therefore, no further response is required.
- DEIR I18-018 This comment expresses concerns regarding emergency access and response. The Oceanside Fire Department has been, and would continue to be, a part of the design process of the Complete Streets improvements, ensuring that the lane reduction and new roundabouts would accommodate large fire engines and response times for emergency services. Based on discussions with the City's Fire Department, the Fire Department has reviewed the proposed traffic-calming measures and has concluded that the proposed roundabouts have been designed to avoid affects to response times.<sup>6</sup> Response times are a multi-faceted issue as they are affected by allocation of resources, the number of calls received at any given time, the number of response units in the field, and other factors. Given this complexity and the need to remain diligent about proper design of the new intersection and roadway features proposed in the project, the Fire Department has been and would continue to be part of the design process of the Complete

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<sup>6</sup> Email communication with David Parsons, Fire Captain at the Oceanside Fire Department, November 22, 2017.

Streets improvements. This continued design review and analysis would ensure that the lane reduction and new roundabouts would accommodate large fire engines and not negatively affect response times. The proposed design for the Coast Highway allows for heavy vehicle radii for turning left and making U-turns. In addition, Coast Highway's center median would be constructed with low curbs to allow left turning access to fire trucks and police vehicles mid-block. For these reasons, operation of the Complete Streets improvements would not have significant impacts with regard to fire performance objectives.

In addition, contrary to this commenter's assertion, the DEIR provides an analysis of Fire Department response times (Section 3.12, *Public Services*). While the City does strive to maintain certain response times, it is not unusual for a City to not always attain the response time targets. However, because the current city facilities can serve the anticipated new population that could result with implementation of the Incentive District and within the downtown area from the existing stations and structures within the City, there is not a need for construction of a specific facility directly related to adoption of the Incentive District. More detail on this analysis and conclusion is provided in Section 3.12 of the DEIR. As well, please refer to response DEIR I-4-003 for a more detailed response.

- DEIR I18-019 This comment states that the DEIR fails to adequately analyze the cumulative impacts of implementing the Incentive District. Please refer to response DEIR I18-002 for a response to this comment.
- DEIR I18-020 This comment states that the project and alternatives have too many significant and unavoidable impacts to be considered and expresses support of the No Project Alternative. This comment does not raise any issue concerning the adequacy of the DEIR, and therefore a response is not required. This comment is included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I18-021 This conclusory comment reiterates the points raised in the comments above and this commenter's support of the No Project Alternative. Please refer to the responses DEIR I18-001 for the response related to the analysis of alternatives in the DEIR. The City appreciates this commenter for participating in the planning and environmental review process. This comment is included in this FEIR for consideration by the City prior to making a final decision on the project.

**Comment Letter DEIR I19**

**From:** Carolyn Krammer [mailto:carolnoceanside@cs.com]  
**Sent:** Monday, August 28, 2017 3:40 PM  
**To:** John Amberson <JAmberson@ci.oceanside.ca.us>  
**Cc:** Zack Beck <ZBeck@ci.oceanside.ca.us>; City Council <Council@ci.oceanside.ca.us>  
**Subject:** Coast Highway Corridor Draft EIR

Please accept these additional comments for the Draft EIR and for the record:

This Draft EIR is inadequate in that it does not provide an alternative without the "Incentive District" other than the No Project Alternative.

DEIR I19-1

The Draft EIR is inadequate as it leaves out a much simpler alternative; one that includes no lane diet, just shade trees & lighted crosswalks and completion of the bike trail for bicycle safety instead of Coast Hwy.

DEIR I19-2

The 44 projects listed in the Cumulative Projects within Project Area have not been adequately addressed when these projects are put into place with less parking and more residential. The lane diet with 2 lanes instead of 4 lanes will ultimately affect traffic and therefore push the traffic into our neighborhoods and the safety of our children and residents.

DEIR I19-3

I am in favor of the No Project Alternative .

DEIR I19-4

Thank you for taking my comments.  
Carolyn Krammer  
904 Leonard Avenue  
Oceanside, CA. 92054

**Letter  
DEIR I19  
Response**

**Carolyn Krammer  
August 28, 2017**

DEIR I19-001 This comment provides an introduction to this comment letter and states that the DEIR is inadequate because it does not include an alternative that doesn't include the Incentive District other than the No Project Alternative. This commenter is incorrect about the project alternatives presented in the DEIR, as Alternative 3 of the DEIR (renumbered as Alternative 4 in the PRDEIR) did not include the Incentive District. As states in Chapter 5, *Alternatives*, of the DEIR on page 5-5:

*“Alternative 3, which would include Complete Streets improvements the length of the corridor (Harbor Drive to Vista Way), as is included in the proposed project. However, in this alternative the Incentive District would not be adopted.”*

Therefore, the DEIR did include an analysis of implementing just the Complete Streets improvement component of the proposed project. Refer to Chapter 5, *Alternatives*, of the PRDEIR for the updated analysis for this project alternative.

DEIR I19-002 This comment states that the DEIR did not include a project alternative that includes installation of lighted crosswalks, complete the Rail Trail, and beautifying the Coast Highway corridor with new trees. In accordance with the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. Specifically, Chapter 5, *Alternatives*, of the DEIR and PRDEIR states on pages 5-1 and 5-2:

*“CEQA does not prescribe fixed rules governing the type of alternatives to a project that should be analyzed in an EIR; the nature of alternatives varies depending on the context of the project being analyzed. As expressed by the California Supreme Court: “CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its facts, which in turn must be reviewed in light of the statutory purpose” (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564).*

*Section 15126.6(a) of the CEQA Guidelines provides that:*

*[a]n EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits*

*of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.*

Furthermore,

*The range of alternatives required in an EIR is therefore governed by a “rule of reason” that requires an EIR to set forth only those alternatives necessary to allow a reasoned choice (CEQA Guidelines, Section 15126.6 [ff]). An EIR need not consider every conceivable alternative to a project. Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the basic project objectives, are not feasible, or do not avoid or substantially lessen any significant environmental effects (CEQA Guidelines, Section 15126.6[c]). Moreover, under CEQA, a lead agency may structure its alternatives analysis around a reasonable definition of a fundamental underlying purpose and need not study alternatives that cannot achieve that basic goal (In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings (2008) 43 Cal.4th 1143, 1165).”*

Because the alternative proposed by this commenter would not achieve any of the project’s objectives, this alternative was not considered to be evaluated as a reasonable alternative to the project. No revision to the EIR is required in response to this comment.

- DEIR I19-003 This comment states that the cumulative projects listed in the DEIR have not been adequately addressed in conjunction with the project in regards to the cumulative impacts to traffic and parking. Please refer to response DEIR I10-008 for the response to this comment.
- DEIR I19-004 This comment expresses this commenter’s support of the No Project Alternative. This comment does not raise any concern regarding the adequacy of the DEIR; therefore, a specific response is not required. The City appreciates this commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

MARKET VENTURES DEVELOPMENT  
426 North Cedros Avenue  
Solana Beach, CA 92075

August 28, 2017

John Amberson  
Transportation Planner  
City of Oceanside  
300 N. Coast Highway  
Oceanside, CA 92054

VIA EMAIL TO: [j.amberson@ci.oceanside.ca.us](mailto:j.amberson@ci.oceanside.ca.us)

RE: Coast Highway Corridor Study Draft Environmental Impact Report

Dear Mr. Amberson:

As someone interested in the continued evolution of Oceanside’s downtown into a vibrant district, I am supportive of the proposed Complete Streets and Incentive District elements of the Coast Highway Corridor. In response to the Notice of Availability of a Draft Environmental Impact Report (“Draft EIR”) for the Coast Highway Corridor Study, I offer the following comments in the spirit of improving the final EIR and facilitating its implementation:

DEIR  
I20-1

**Mitigation measure MM-AIR-2-a provides an overbroad and ambiguous mitigation condition that will be impossible to objectively and effectively implement, and should be modified.** The proposed condition requires Incentive District residential developments “provide direct pedestrian and bicycle access...to offsite adjacent neighborhood amenities.” However it is the intent of the subject project, the Complete Streets component of the Coast Highway Corridor Study, to provide this enhanced pedestrian and bicycle connection to amenities throughout the City. As stated, this condition provides a vague and virtually unlimited requirement for Incentive District projects to make *off-site* improvements to an undefined list of amenities subject to significant subjective interpretation by reviewers of future Incentive District projects.

A reasonable interpretation would assume that the intent of the condition is to insure only adequate pedestrian and bicycle connection to the public right of way, including the enhancements to the right of way provided by the Coast Highway Project. The Coast Highway Project then provides the connection to the unspecified list of community amenities. Additionally, the requirement for “curbs and sidewalks on both sides of the street,” is assumed to indicate internal streets to the project and the project frontages which may only incorporate one side of the subject street.

DEIR  
I20-2

To address these concerns wording of the condition should be changed to read as follows:

- a. Provide direct pedestrian and bicycle access from any Incentive District residential development with a density of four or more residences per acre and in any mixed-use or commercial development to ~~offsite adjacent neighborhood amenities, parks,~~



~~schools, shopping areas, existing bike paths, and transit stops~~ the public right-of-way. Low-, medium-, and high-density Incentive District developments shall ~~have~~ provide curbs and sidewalks on ~~both sides of the street~~ on all public street frontages. Curbs and sidewalks shall also be provided on both sides of all internal streets, unless an equivalent or superior pedestrian path is provided within the development.

DEIR  
I20-2

**Mitigation measures MM-AIR-2-c, -d and -e create an ever increasing standard of performance duplicative, and in excess of state standards, without justification and should be deleted.** As the Draft EIR clearly explains, the continual improvement cycles of California’s Title 24 have demonstrated and are expected to demonstrate significant ongoing improvement in the impacts of building operations for new buildings. This is recognized as a mitigating factor of impacts from future building operations. However, no analysis is provided in the Draft EIR as to why the Coast Highway Incentive District requires buildings to exceed these strict standards with the imposition of otherwise voluntary Tier 1 requirements of the California Green Building Code. By implementing proposed MM-AIR-2-c through -e, the Draft EIR subjects projects to unknown future requirements an ever increasing energy efficiency standards that cannot be known, analyzed, or squared with the impact that the condition attempts to mitigate. Without analysis that states that the Project Area currently exceeds average statewide non-attainment conditions, or is proposing development intensity in excess of other statewide areas, there is no justification to impose additional, otherwise voluntary, conditions beyond what exists in state law.

DEIR  
I20-3

MM-AIR-2-c through -e should be deleted. If not, at a minimum the Draft EIR should only condition projects to exceed the current building code in effect at the time the EIR is adopted (i.e. 2016 Title 24 and California Green Building Standards), and if such excess conditions are incorporated or superseded by future Title 24 updates, it should be clear that future Incentive District projects are not required to comply with future unknowable requirements as the Tier 1 standards are amended in the future in conjunction with further updates to the California Green Building Code and Title 24.

Thank you for the opportunity to provide these comments. I look forward to the completion of the Final EIR and approval of the Coast Highway Corridor project.

DEIR  
I20-4

Best,

Chris Swortwood

**Letter  
DEIR I20  
Response**

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**Chris Swortwood  
August 28, 2017**

DEIR I20-001 This comment expresses support of the proposed project and provides an introduction to the following comments. This comment does not raise any concern regarding the adequacy of the DEIR. Therefore, a specific response is not required. The City appreciates This commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

DEIR I20-002 This comment questions the specific meaning of the requirements provided in MM Incentive District AIR-2a and provides textual changes this measure to address the concerns of this commenter. Specifically, this commenter proposes the following edits (additions are shown with underlining and text removed is shown with ~~striketrough~~):

a. Provide direct pedestrian and bicycle access from any Incentive District residential development with a density of four or more residences per acre and in any mixed-use or commercial development to ~~offsite adjacent neighborhood amenities, parks, schools, shopping areas, existing bike paths, and transit stops~~ the public right-of-way. Low-, medium-, and high-density Incentive District developments shall have provide curbs and sidewalks on both sides of the street on all public street frontages. Curbs and sidewalks shall also be provided on both sides of all internal streets, unless an equivalent or superior pedestrian path is provided within the development

To clarify the meaning of the MM Incentive District AIR-2a, the intent of the measure is to ensure that individual development projects proposed under the Incentive District provide adequate pedestrian and bicycle connection to the public right of way, including the enhancements to the right of way provided by the Complete Streets improvements. After review of the proposed changes to the mitigation measure, the City agrees with the edits provided in this comment and these edits have been reflected in the update language of MM Incentive District AIR-2a included in Volume 3 of this FEIR.

DEIR I20-003 This comment states that MM Incentive District AIR-2c through -2e create an ever increasing standard of performance duplicative in excess of state standards and without justification and should be deleted. This comment also states that if these measures are not deleted, then at a minimum the DEIR should only condition projects to exceed the current building code in effect at the time the EIR is adopted and are not required to comply with future unknowable

requirements as the Tier 1 standards are amended in the future in conjunction with further updates to the California Green Building Code and Title 24.

As discussed in Section 3.2, *Air Quality*, of the DEIR, it is not possible to accurately predict the increased level of energy efficiency associated with future updates to the Title 24 standards. While future updates to the currently existing 2016 Title 24 standards, including the 2016 California Green Building Standards, are expected, the effect of the future updates to the energy standards cannot be known at this time as such future standards have not yet been proposed for public consideration. After review of this comment, the City agrees with clarifying MM Incentive District AIR-2c, -2d, and -2e to use the Tier 1 performance standards at the time the EIR is adopted, (i.e., from the currently existing 2016 Title 24 standards, including the 2016 California Green Building Standards). These clarifications are shown below and are also incorporated into Volume 3 of this FEIR:

**“MM Incentive District AIR-2**

- c. Promote the expanded use of renewable fuel and low-emission vehicles by including one or both of the following project components: preferential parking for ultra-low emission, zero-emission, and alternative-fuel vehicles; and/or electric vehicle supply equipment within the development that meets or exceeds the Tier 1 ~~requirements~~ standards in the current 2016 Title 24 and 2016 California Green Building Standards. Nothing in this measure shall supersede an individual development project’s legal responsibility to meet the applicable mandatory minimum requirements of the version of the Title 24 and California Green Building Standards in effect at the time of building permit issuance.
- d. Development projects shall be required to reduce energy consumption by designing buildings that meet or exceed the Tier 1 building energy budget ~~requirements~~ standards in the current 2016 Title 24 and 2016 California Green Building Standards. Nothing in this measure shall supersede an individual development project’s legal responsibility to meet the applicable mandatory minimum requirements of the version of the Title 24 and California Green Building Standards in effect at the time of building permit issuance.]
- e. Development projects shall be required to reduce water consumption by installing water-efficient fixtures, appliances, toilets/urinals, and landscape irrigation systems that meet or exceed the Tier 1 ~~requirements~~ standards in the current 2016 Title 24 and 2016 California Green Building Standards. Nothing in this measure shall supersede an individual development project’s legal responsibility to

meet the applicable mandatory minimum requirements of the version of the Title 24 and California Green Building Standards in effect at the time of building permit issuance.”

DEIR I20-004 This comment provides the conclusion to this comment letter and expresses continued support for the project. This comment does not raise any concern regarding the adequacy of the DEIR. The City appreciates this commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.



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Refer To File #: 502507-0001

VIA E-MAIL AND U.S. MAIL

August 28, 2017

City of Oceanside  
Engineering Division  
c/o John Amberson, Transportation Planner  
300 N. Coast Highway  
Oceanside, CA 92054

JAmberson@ci.oceanside.ca.us

**Re: Comments of Pacific Current Partners on Draft Environmental Impact Report ("DEIR") for Oceanside Coast Highway Corridor Study**

Dear Mr. Amberson:

We have reviewed the Oceanside Coast Highway Corridor Study DEIR and are submitting our comments on the DEIR on behalf of PCP-Oceanside L.P., owners of Oceanside RV Park ("Owners"), which is located at 1510 S. Coast Highway in the City of Oceanside ("City"), in Segment 4 (Oceanside Boulevard to Morse Street) of the Complete Streets program and at the epicenter of the Coast Highway Incentive District ("Incentive District"). Although our clients would like to work with the City to further evaluate and comment on needed revisions to the project and ultimately support the City's efforts to improve the Coast Highway and implement the vision plan, we are concerned that the DEIR has failed to fully present and analyze the environmental impacts of the project in a legally adequate manner.

DEIR I21-1

We therefore submit the following initial comments<sup>1</sup> on behalf of Owners.

**Coast Highway Complete Streets Program:**

***Project Description - Section 2.2.1 LCP Out of Date***

The proposed project is described as consisting of two components, the "Complete Streets" improvements and the Incentive District, which encompass an approximately 3.5 – mile-long segment of the Coast Highway corridor, with a width of 3-6 blocks, from Harbor Drive on the north to Eaton Street on the City's southern border.

DEIR I21-2

<sup>1</sup> Owners will be further reviewing the DEIR and may comment both orally and/or in writing during the public hearing process, pursuant to Public Resources Code section 21177.

**2.2.1 Existing General Plan and Local Coastal Program Land Use Designations**

As described in this section of the Project Description, the project area is located entirely within the Coastal Zone of the City and therefore must comply with the provisions of the California Coastal Act (Pub. Resources Code, § 30000 et seq.) and the City’s 1986 certified Local Coastal Program (“LCP”). As set forth below, the LCP land use designations and coastal zoning designations will supersede both General Plan and the City’s zoning. The project’s inconsistency with the LCP and key sections of the Coastal Act represent a fatal flaw as set forth herein. Moreover, the City’s LCP is over 30 years old and cannot be relied on to predict the viability of the Project; the LCP must be updated and address the impacts of the proposed project – if the Project Description can be found to be consistent with the Coastal Act – on public access, visitor serving commercial uses, and circulation and parking for the substantial proposed increase in residential density.

DEIR I21-2

***Project Description - Section 2.4.1 Complete Streets Improvements Omits Analysis of Current 2-Lane Segment 4 Pilot Project, and Project Objectives Conflict with Portion of Proposed Project***

**2.3 Project Objectives – Incentive District Conflicts with Complete Streets**

Section 2.3 Project Objectives contains three goals and three sets of objectives, virtually all of which focus on the stated need to improve safety for all roadway users and to eliminate and/or reduce auto/pedestrian/bicyclist conflicts.

The addition of introduction of a continuous, striped bicycle lane, new mid-block pedestrian crossing opportunities (e.g., installation of HAWK or High Intensity Activated Crosswalks, RRFP technology or Rapid Rectangular Flashing Beacons, etc.) are key desirable safety features and key Project Objectives set forth in the DEIR. However, this technology has been available for many years and could be implemented, subject to funding through grants, or other regional, state or federal revenue sources independent of the Incentive District.

DEIR I21-3

It is unclear from the DEIR how the Incentive District will achieve the majority of the Project Objectives identified in DEIR Section 2.3, other than serving as a mechanism – through development exactions or “benefits” – for funding the Complete Streets portion of the Project Description.

The traffic and parking impacts from the Incentive District’s high density residential and mixed-use commercial, however, will likely serve to simultaneously counteract the “street-calming” objectives of the street-oriented portion of the Project.

**Inadequate and Improper Baseline**

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation (“NOP”) is published. (CEQA Guidelines, section 15125.) While lead agencies have discretion to determine how existing physical conditions can most realistically be measured, and may use an historical baseline rather than a fluctuating one, here the “existing condition” at the time the NOP was issued essentially mirrors the proposed project’s future Complete Streets, 2-lane condition.

DEIR I21-4

John Amberson, City of Oceanside  
August 28, 2017  
Page 3

(*Communities for a Better Environment v. South Coast Air Quality Management District* (2010), 48 Cal 4th 310, 315.)

The Oceanside Corridor Study DEIR NOP was published on June 1, 2016. The DEIR ignores the fact that months prior to the issuance of the Coast Highway Corridor Study DEIR NOP, the City Council approved a plan to reduce a half-mile of Coast Highway in Segment 4 which includes Owner’s Oceanside RV Park – from four (4) lanes to two (2). That plan was implemented and Segment 4 was physically reduced from four (4) lanes to two (2) lanes prior to issuance of the DEIR’s NOP. Despite public input that the results of this Segment 4 lane reduction program should have been evaluated prior to preparation of the DEIR, the City not only ignored this existing condition in establishing the “baseline” for identification of environmental impacts, but utilized 2013 traffic count data in the DEIR’s critical TIA (see pg. 13, Appendix F – Traffic Impact Analysis for the Coast Highway Corridor Study, Section 3.1 Traffic Count Data (IBI Group May 2017)).

DEIR I21-4

The DEIR released on July 14, 2017 states that “the 3.5 mile stretch of Coast Highway currently operates with four travel lanes” (pg. 2-10 Section 2.4.1 Complete Streets Improvements). However, Segment 4: Oceanside Boulevard to Morse Street has notably, since April 2016, been operating with two travel lanes as part of a pilot project. The City has over a year of traffic data and a critical opportunity to evaluate the environmental impacts of this demonstrably hazardous and dangerous<sup>2</sup> segment of Coast Highway.

**Traffic Impact Analysis Based on Four Year Old Traffic Counts**

Section 3.14 Traffic and Transportation, provides an assessment of potential environmental impacts related to traffic and transportation that could result from project implementation.

Unfortunately the DEIR’s traffic study is based on traffic counts taken during the tail end of the economic recession. Peak hour intersection count data and 48-hour roadway segment volumes were collected at the selected intersections and roadway segments in the study area during August of 2013. While the Traffic Impact Analysis (“TIA” – DEIR Appendix F, IBI Group) states, in the face of this potentially flawed four (4) year old traffic data, that “. . . 2013 traffic counts are not anticipated to be considerably different compared to 2016 conditions as traffic is typically the highest during the summer months and thus captures a conservative representation of 2013 traffic conditions,” the traffic data is nevertheless inherently suspect, since there has been significant growth and increase in jobs and tourism in the last four (4) years..

DEIR I21-5

The San Diego Association of Governments (“SANDAG”) regional growth forecasts published in 2013 show 500,000 additional jobs and one million additional people in the San Diego region by 2050 (SANDAG Series 13: 2050 Regional Growth Forecast). The population growth is forecast to occur through a general intensification of existing land uses within urban communities and along key transportation corridors (e.g., Sprinter Corridors).

<sup>2</sup> 12 year old Logan Lipton was struck and killed by a car while riding his bike to school on October 22, 2015. According to numerous City staff and media reports, the lane reduction program was in response to this and other major problems on Coast Highway

Additionally, from 2010 to 2015, tourism in Oceanside grew significantly, with hotel occupancy growing in the City and north coastal San Diego from 3-5% per year.<sup>3</sup> It is not credible to conduct a Traffic Impact Analysis based on traffic data obtained in 2013 at the tail end of the national recession, when traffic has demonstrably increased in the Coast Highway Corridor in the years since. The City should obtain additional traffic data in order to provide accurate estimates of levels of service at key intersections and on Coast Highway, especially in Segment 4.



DEIR I21-5

**Proposed Complete Streets Project Network Implementation Timing Unclear and Funding Unidentified**

The *Proposed Project Network* (pg. 3.14-14) describes the Complete Streets improvements occurring in a “phased implementation process throughout the corridor.” This section then refers back to Chapter 2, Project Description, which contains a description of the four Complete Street segments. However, the DEIR in Section 2.5, Construction Progress and Timeline, provides no information on how and when these segments will be funded, designed and constructed, and identifies a 17-year construction timeline (Phase 1 “likely” in January 2018 and final phase in December 2035).



DEIR I21-6

The Project must be accurate, stable and finite. (*County of Inyo v. City of Los Angeles* (1977), 71 Cal. App. 3d 185, 199.)

As stated above, in order to implement the proposed project, the City would also be required to process and adopt and secure approval from the California Coastal Commission of an LCP Amendment for the Incentive District which entails an LCP Amendment. It is not clear whether the LCP Amendment would need to address some or all of the proposed Complete Street improvements. However, if funding or dedications of land are only enabled by property owners opting in to the Incentive District’s higher density mixed use incentives, and in turn providing open space, parking and other benefits, it is unrealistic to expect formal implementation of the Complete Streets program before 2019 or 2020.

**Project Objectives Conflict With Coast Highway Incentive District**

As set forth in 5.2 Summary of the Proposed Project and Section 2.3 Project Objectives, the proposed project consists of two components, the Complete Streets and Incentive District projects. However, the majority of the Project Objectives focus on enhanced pedestrian and bicycle use, improved safety for bicyclists and pedestrians, reduced auto and pedestrian/bicycle conflicts, improving street walkability and traffic-calming.



DEIR I21-7

An apparently expensive<sup>4</sup> but unfunded program of traffic signal removal and roundabout installation at 12 Coast Highway intersections, along with 10 mid-block crosswalks and additional traffic-calming measures and streetscape enhancements is simultaneously accompanied by the traffic-inducing Incentive District, which would increase from “existing”

<sup>3</sup> See statistics from the San Diego Tourism Authority (SDTA) citing 2015 and 2016 as record-breaking years for San Diego regional tourism.

<sup>4</sup> No estimated cost.

(2013) condition by year 2035 in the following manner: multi-family residential units from 563 to 5,614 units, retail from 1.2 million sf to 2.9 million sf, and hotel rooms from 425 to 3,074.

This significant growth within the City of Oceanside, as well as growth in the San Diego region overall, may potentially provide funding “benefits” for the extensive traffic-calming measures within the Complete Streets portion of the Proposed Project, but the Incentive District’s allowance of 50, 60 and 70 units per acre and mid- and high-rise mixed-use development may provide a funding mechanism for street-calming, but will potentially lead to a deterioration of traffic flow with foreseeable impacts on existing single family residential communities to the east and west of Coast Highway, as commuters, residents and tourists look for alternative routes to Interstate 5.

DEIR I21-7

**Section 3.9 Land Use and Planning**

While the consistency of the proposed project with the City’s LCP is summarily and, in our opinion, insufficiently dealt with in Section 3.9 Land Use and Planning and Table 3.9-3 Consistency of Proposed Project with City of Oceanside Local Coastal Program, two glaring legal and policy defects exist at the outset of this DEIR sections conclusory analysis:

DEIR I21-8

1. The City’s LCP is over 30 years old and, consistent with section 30519.5 of the Coastal Act, should have been updated prior to this time. Section 30519.5 requires the Coastal Commission to review every certified LCP at least once every five years and the Commission’s LCP Update Guide reiterates the legal requirement that LCPs need to be updated over time to remain effective, particularly given climate change and coastal policies applicable to the City’s Coastal Zone adopted over the last 20-30 years.

With respect to Segment 4 and the Oceanside to Morse Incentive District Node, and specifically the Loma Alta Creek and Slough area, within which Oceanside RV Park is located, potentially significant adverse impacts are insufficiently addressed in 3.5 Geology, Soils and Seismicity, and Section 3.8 Hydrology and Water Quality in the context of both general State requirements (AB 32, Governor’s Executive Orders) and recent Coastal Commission SLR Policy Guidance requiring analysis of the impacts of Sea Level Rise on the project area.

The complete absence of Sea Level Rise analysis in the LCP Consistency section is not surprising, given that a 1986 LCP obviously contains no reference to Sea Level Rise policies. This omission illustrates the need for both a comprehensive LCP update and the need for the DEIR to be revised to address potential impacts to the project area through vulnerability analyses and more specific geotechnical studies in areas of erosion, liquefaction and 100-year flood inundation.

DEIR I21-9

Local government is required, pursuant to AB 32 and numerous Executive Orders and State legislation, to address impacts from climate change, and, in the Coastal Zone the Commission will require both LCP updates and individual Coastal Development Permit (“CDP”) applications (e.g., CDP applications for higher density mixed use projects in nodal areas such as the Sprinter node within which Oceanside RV Park is located, to address Sea Level Rises’ effects on redevelopment. There is an overlap between the Commission’s SLR Guidance document and the more mandatory requirements of Local Hazard Mitigation Plan, Climate

Action Plans and the City’s General Plan Safety Element, none of which is addressed in the DEIR.



DEIR I21-9

**Project’s Proposed Land Use Conflicts With LCP and Coastal Act**

Numerous conflicts are identified in Section 3.9 Land Use and Planning, notwithstanding the DEIR’s cursory and unsupportable findings of consistency in Table 3.9-3 *Consistency of Proposed Project with City of Oceanside Local Coastal Program*.

One significant conflict that impacts the Sprinter Node, which contains both Oceanside RV Park and Paradise-by-the-Sea RV Park, is the residential intensification associated with the Incentive District Zoning Overlay. Policy 2.76 of the City’s LCP, consistent with Coastal Act section 30213, requires that “*Lower cost visitor and recreational facilities shall be protected, encouraged, and where possible, provided. **Developments providing public recreational opportunities are preferred.***”

DEIR Table 3.9-3 (top of pg. 3.9-19) states that “the intent of the Incentive District is to provide a stimulus in the project area and to encourage the type of development that the City would prefer in the project area.” However, the test of consistency with the City’s existing LCP is a direct contradiction of both the LCP policy and Coastal Act section 30213, and therefore creates a potential significant adverse land use impact.



DEIR I21-10

As emphasized above in the excerpt from Coastal Act section 30213, “developments providing public recreational opportunities are preferred.” Therefore, the City’s “preference” for future land uses within the project area is in direct conflict with both the City’s certified LCP and the Coastal Act. Section 3.9.3 Significance Criteria for Land Use and Planning Environmental Impacts, indicates that the project would result in a significant adverse impact related to land use and planning if it would:

1. Physically divide an established community;
2. Conflict with any application land use plan (including, but not limited to ... local coastal program or zoning ordinance).

While the Project does not physically divide the community, the clear conflict between the City’s “preferred” high density residential mixed-use land uses within the Incentive District (including the Sprinter Node within which the Oceanside RV Park is located) and the current Coastal Dependent, Recreation and Visitor Serving Commercial (C-VC) which prioritizes transient accommodations such as hotels, motels, and RV parks, creates a significant adverse impact not addressed in the DEIR.

The impact analysis of Land Use and Planning **Issue 2 – would the proposed project conflict with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**, is fatally flawed because it assumes that an LCP Amendment will be successful, and that the Coastal Commission will allow up to 5,000 units of non-priority, high density residential



DEIR I21-11

John Amberson, City of Oceanside  
August 28, 2017  
Page 7

and mixed-use residential in place of Coastal dependent, visitor serving commercial in all of the various nodes within the Incentive District.

↑  
DEIR I21-11

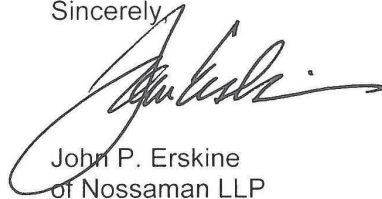
The significance determination on pg. 3.9-25 of the DEIR of “No impact” and “No mitigation measures required” is also incorrect.

For the above-referenced, and multiple other reasons, our client would advocate a potential compromise by strengthening the ability of visitor-serving commercial uses such as Oceanside RV Park to serve both tourists and transient/longer term RV Park visitors as well as low-income residents by providing a mix of short term and longer term stays within the Park. This is consistent with numerous other RV parks where the Coastal Commission has approved CDP conditions authorizing both mid- and long-term stays.

↑  
DEIR I21-12

Protection and encouragement of existing lower cost and visitor-serving and recreational facilities, such as our client’s property along with alternative funding for traffic-calming and improved Coast Highway safety measures, may be a prudent alternative to Complete Streets with traffic-inducing high density in multiple nodes.

Sincerely



John P. Erskine  
of Nossaman LLP

JPE:dif

**Letter  
DEIR I21  
Response**

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**John P. Erskine  
August 28, 2017**

DEIR I21-001 This introductory comment states that the Nossaman LLP is submitting the following comments on behalf of the owners of the Oceanside RV Park, which is located in the center of the proposed Incentive District. This comment also expresses concern that the DEIR has failed to fully present and analyze the environmental impacts of the project in a legally adequate manner. Because this comment does not specifically state how the analysis in the DEIR is insufficient in accordance with CEQA, no specific response is required. The City appreciates This commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this Final EIR for consideration by the City prior to making a final decision on the project.

DEIR I21-002 This comment states that project’s inconsistency with the City’s Local Coastal Plan (LCP) and key sections of the Coastal Act represent a fatal flaw in the DEIR. This comment also states that the City’s LCP is over 30 years old and cannot be relied on to predict the viability of the project and recommends that the LCP be updated to address the impacts of the proposed project, in particular to address consistency with the Coastal Act on public access, visitor serving commercial uses and circulation and parking for the increase in density

In accordance with Appendix G of the state CEQA Guidelines, the DEIR analysis focuses on the potential project conflicts with policies or regulations adopted for the purpose of avoiding or mitigating an environmental impact. The DEIR acknowledges that in order to implement the proposed project, the City would be required to process and adopt an LCP Amendment which would also require subsequent certification by the California Coastal Commission (CCC). The amendments include amending text pertaining to the General Commercial, Coastal Dependent, Recreational & Visitor Serving Commercial, Light Industrial and Residential High Density land use classifications to ensure consistency with the intent and objectives of the Coast Highway Vision and Strategic Plan and the Incentive District. The impact discussion within the DEIR contains a review of consistency with the General Plan and LCP and as part of that review explains, where applicable, why it would be reasonable to conclude that the LCP could be amended to allow for the project.

The standard for review of an LCP amendment is consistency with and adequately carrying out the Chapter 3 policies of the California Coastal Act. Coastal Act consistency will be made by the CCC at the time the LCP amendment is reviewed. Adherence to the applicable LCP amendment process ensures that that the project would not result in conflicts with the LCP or Coastal

Act policies. Notwithstanding the above, recognizing that the Coastal Act is the standard of review for an LCP amendment proposal, a preliminary review of project consistency with Coastal Act policies has been included in Appendix V1.A. The review presents the text of the various Coastal Act resource protection policies assumed to be relevant, discussions of the Project’s potential to conflict with said policies, and determinations of conformity. The policy analysis presented in Appendix V1.A covers the range of coastal resource policy issues raised by the Commenter as warranting consideration in the LCP update. The review does not reveal any conflicts with Coastal Act policies.

In addition, it is noted that the City is in the process of a comprehensive update to the LCP separate from the Coast Highway Corridor Study project. The comprehensive update is being undertaken in recognition of the age of the LCP and the need to both acknowledge progress in achieving Coastal Act goals and address ongoing and emergent issues occasioned by changing physical conditions and evolving policies and regulations, including new information about climate change and coastal hazards. Since the original certification of the City’s LCP in 1986, additional plans have been prepared within the Coastal Zone to guide development, including the Coast Highway Vision and Strategic Plan which the proposed project is intended to implement. Please also refer to the responses to comment letter DEIR A4: California Coastal Commission (CCC) which address comments regarding public access, visitor serving commercial uses and parking.

DEIR I21-003 This comment states that it is unclear in the DEIR how the Incentive District would achieve the Project Objectives, other than serving as a mechanism, through development exactions or benefits, for funding the Complete Streets portion of the project. This comment also states that the traffic and parking impacts from the Incentive District will likely counteract the street-calming objectives of the Complete Streets improvements. This commenter incorrectly states that the Incentive District development exactions or benefits would fund the Complete Streets improvements portion of the project. Section 2.5 of Chapter 2, *Project Description*, of the DEIR states the Complete Streets improvements would be constructed based on available City funding and would be accomplished in phases. Furthermore, as stated above in response DEIR I10-009, the City explains the various funding sources that could aid in funding the Complete Streets improvements, which does not include fees collected from the Incentive District.

The DEIR clearly states the Project Objectives on page 2-9, which includes Goal 3 and associated objectives which pertain to the Incentive District, as shown below:

*“Goal 3: Facilitate implementation of the Coast Highway Vision and Strategic Plan.*

**Objectives:**

- *Encourage redevelopment and continued investment within the Incentive District by providing development incentives in exchange for community benefits to enhance and revitalize the project area*
- *Increase on-street parking supply corridor-wide to support new land uses*
- *Foster a built environment along Coast Highway that includes:*
  - *Streets and spaces that are pedestrian-scale and pleasurable to walk within*
  - *Architecture that announces gateways, key intersections, and public spaces*
  - *A consistent street frontage throughout the nodes*
  - *Building architecture that is high quality and provides variation and diversity”*

Also, the purpose of the Incentive District is included in Chapter 2, *Project Description*, of the DEIR on page 2-19, which states:

*“The City prepared the Vision Plan and the City Council voted to accept the Vision Plan in 2009 to serve as an advisory document to help guide future development within the Coast Highway corridor. The concept of the Incentive District was inspired by the Vision Plan, which served as a guidance document, along with the City’s General Plan, during the development of the Incentive District.*

*The primary purpose of the Incentive District is to encourage redevelopment and revitalization of the Coast Highway corridor through land use regulations, design and development criteria, and development incentives that will encourage sustainable, high-quality development. Consistent with the overall ideas within the Vision Plan, the Incentive District would establish regulations intended to:*

1. *Incent redevelopment and revitalization of the Incentive District by streamlining the development review process and providing development incentives.*
2. *Encourage sustainable, high-quality development consistent with the intent and objectives articulated in the Coast Highway Vision and Strategic Plan.*
3. *Create distinct pedestrian-oriented subareas, including:*

- a) *Urbane mixed-use nodal areas featuring relatively intense commercial land use and residential density; development in these nodal areas will generally be taller and more street-adjacent than development in other subareas; commercial uses, including visitor-serving businesses, will provide a wide range of employment opportunities.*
  - b) *Commercial Villages featuring neighborhood-serving commercial uses in a suburban main street setting; these villages also allow for mixed-use development, consistent with underlying zoning standards.*
  - c) *Transitional Avenue segments featuring a combination of mixed-use, standalone commercial, and standalone residential development with generally less land use intensity and residential density relative to nodal areas; providing for auto-related uses, these segments are characterized by more expansive setbacks and landscaping.*
1. *Promote high-quality urban and architectural design and variability of massing and height, emphasizing the design of the interface between the private and public realms.”*

As shown above, the Project Description clearly demonstrates how the regulations of the Incentive District would be consistent with the Project Objectives, specifically Goal 3 and associated objectives. Furthermore, in accordance with Appendix G of the state CEQA Guidelines, the DEIR analysis focuses on the potential environmental impacts associated with implementation of the project and incorporates mitigation measures, as necessary, to reduce significant environmental impacts to the lowest extent possible. For a response to the traffic and parking impacts of the project, please refer to responses to comments DEIR I17-002 and DEIR I7-008.

DEIR I21-004 This comment states that the DEIR uses the incorrect baseline for existing conditions as the pilot project is not accounted for in the existing conditions and states that the data from the pilot project should have been incorporated into the DEIR. The Traffic Impact Analysis (TIA) (2017) and the revised TIA (2018) do not specifically analyze current traffic conditions for the City’s pilot project in place between Oceanside Boulevard and Morse Street as it is not a component under the proposed project. The City has conducted a separate traffic analysis for the pilot project and is conducting separate review and monitoring of traffic conditions during the pilot project installation. Furthermore, per CEQA Guidelines, the TIA (2017) and revised TIA (2018) analyze the existing condition for traffic conditions within the study corridor. The lane narrowing pilot project noted in this comment is a temporary pilot project, and as such is not appropriate for use as the existing condition for CEQA analysis. Therefore, the existing condition baseline established in the DEIR is adequate.

DEIR I21-005 This comment states that the traffic counts used in the TIA (2017) for the DEIR are too outdated for use in the traffic analysis as they were collected at the end of the recession and do not account for the increase in population or tourism in the City. As stated in the TIA prepared for the DEIR (IBI 2017), the TIA analyzed traffic conditions during the weekday AM and PM peak hours, using traffic counts obtained during the peak summer season as traffic is typically the highest during the summer months and thus captures a conservative representation of traffic conditions. This approach is consistent with the City of Oceanside’s traffic study guidelines, which does not recommend the analysis of traffic conditions during a holiday or weekend event for traffic impact studies.

The analysis of future traffic conditions for the Future Year 2035 is based on traffic forecasts prepared using the San Diego Association of Governments (SANDAG) regional travel demand model. This travel demand model incorporates anticipated regional and local growth in population and employment for Oceanside and San Diego County as forecast by SANDAG and consistent with the Regional Transportation Plan (RTP). The existing conditions traffic counts do not factor into the future conditions analysis due to the use of the SANDAG regional travel demand model, so the timing of the traffic counts does not impact the future conditions analysis presented in the TIA and DEIR. Furthermore, since the SANDAG regional travel demand model forecasts higher baseline traffic volumes for the Future Year 2035 analysis than the existing condition traffic counts collected, the future traffic volume forecasts are anticipated to be substantially higher than existing traffic counts that would have been taken between 2013 and 2016. As shown in the TIA (2017) and DEIR, the Future Year 2035 analysis also identifies a greater number of significant traffic impacts than does the Existing Conditions analysis. Due to a three-year difference between 2013 and 2016, it would not be anticipated that an analysis conducted using 2016 traffic volumes would result in more significant impacts than what is currently identified in the DEIR.

In addition, new traffic counts for the Caltrans interchanges were taken in March 2018 during the AM and PM peak hours as part of the revised TIA (2018) prepared for the PRDEIR. The updated traffic analysis presented in the revised TIA (2018) and the PRDEIR includes both the 2013 and 2018 traffic counts to determine the project’s traffic impacts.

DEIR I21-006 This comment states that the DEIR lacks clear information on the funding of the Complete Streets improvements and incorrectly states that projects implemented under the Incentive District would fund the Complete Streets improvements. Please refer to response DEIR I10-009 for a response to this comment.

DEIR I21-007 This comment claims that project conflicts with the Project Objectives and opposes the increased density allowed under the Incentive District because this commenter incorrectly believes that the Incentive District will be funding the

Complete Streets improvements. Please refer to responses DEIR I21-003 and DEIR I10-009 for a response to this comment.

DEIR I21-008 This comment states that the City’s LCP should have been updated prior to this time consistent with Section 30519.5 of the Coastal Act. This comment also states that Section 30519.5 requires the CCC to review every certified LCP at least once every five years and the Commission’s LCP Update Guide reiterates the legal requirement that LCPs need to be updated over time to remain effective, particularly given climate change and coastal policies applicable to the City’s Coastal Zone that have been adopted over the last 20-30 years. The commenter is correct that Section 30519.5 is a directive to the CCC to review certified LCPs and determine their conformity with Coastal Act policies, with a recommendation that it be done at least once every five years. It is the CCC’s responsibility in accordance with this code section to identify and make recommendations of any corrective actions that should be taken by the local jurisdiction. The City of Oceanside has not received any recommended corrective actions from the CCC pursuant to this code section. Please also refer to response to comment DEIR I21-002 which addresses the proposed LCP amendments.

DEIR I21-009 This comment states that the DEIR insufficiently analyzes geology and soils and hydrology and water quality in the context of both state requirements and the CCC SLR Policy Guidance requiring analysis of impacts of sea level rise. Please refer to response to comment DEIR I21-002

DEIR I21-010 This comment states that the land uses proposed under the project conflict with the LCP and the Coastal Act. Please refer to response to comment DEIR I21-002.

DEIR I21-011 This comment states that the impact analysis of Land Use and Planning is fatally flawed because it assumes that an LCP Amendment will be successful, and that the Coastal Commission will allow up to 5,000 units of non-priority, high density residential and mixed-use in place of coastal dependent, visitor serving commercial in all of the various nodes within the Incentive District.

The impact analysis acknowledges that in order to implement the proposed project, the City would be required to process and adopt an LCP Amendment, which would also require certification by the CCC. However, it is incorrect to state that the impact analysis assumes that an LCP Amendment will be successful. As stated in response to comment DEIR I21-002, the standard for review of an LCP amendment is consistency with policies in the Coastal Act. Coastal Act consistency will be made by the CCC at the time the LCP amendment is reviewed.

This commenter’s statement that the “Coastal Commission will allow 5,000 units of non-priority, high density residential and mixed-use in place of coastal dependent, visitor serving commercial in all of the various nodes within the Incentive District” is not an accurate description of proposed development

allowances under the Incentive District. Please refer to responses to comments to DEIR A4-010 and DEIR A4-011, which respond to CCC comments regarding comparisons of projected development and support for developing a better balance of land uses across the project study area. This comment also states that the significance determination on page 3.9-25 of the DEIR is also incorrect, but does not provide a reason. Therefore, no further response is required.

DEIR I21-012 This comment provides a conclusion to this comment letter. This comment does not raise any issue concerning the adequacy of the DEIR. The City appreciates This commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this Final EIR for consideration by the City prior to making a final decision on the project.

DATE: August 28, 2017  
TO: TWIMC  
FROM: CM Rocco  
RE: CHVP Draft EIR  
Public Safety & Emergency Services

The EIR does not sufficiently study or mitigate fire and public safety scenarios & impacts related to both the Complete Streets Project and the Developer Overlay.

For example, the increased building heights in the downtown area are already a danger to the public due to the lack of a ladder truck at fire station 1. Existing development requires a ladder truck of which there is none within reasonable proximity, coupled with existing poor response times in general. A parcel of land has not even been secured to place a ladder truck on or near Pier View Way to mitigate even the existing building height and density scenario.

Pre-project conditions already experience poor response times. Should one existing multistory building be subject to an emergency, the public is currently not properly served by outlying stations with a ladder truck in terms of response time or sufficient services.

There is not even funding secured in the 2016-2017 budget to relocate Fire Station 1, retrofit the existing station, secure a ladder truck, nor secure a parcel near Pier View to park the ladder truck when not in use.

This is testimony to the fact that we are not prepared to even properly service our existing downtown area with the entire nine block plan not even being built out let alone a corridor build out.

Therefore there is no way that the draft EIR even marginally addresses potential emergency, fire and public safety issues.

It should also be noted that the complete street roundabouts have not been sufficiently studied related to both use and response times related to emergency services. This includes in terms of individual structure maneuverability and cumulative impacts during peak emergency scenarios from fires to natural disasters. The circulation element does not explore the plausible scenarios that could occur in a maximum build scenario.

Current public safety capital assets & infrastructure do not safely support existing conditions and there is insufficient study of all impacts related to a full build out. For example, if the entire Overlay was built to maximum height, how will the city provide emergency services to 400 acres of 4-6 story buildings which may be in



DEIR I22-1

DEIR I22-2

DEIR I22-3

terms of, for example, fire safety, natural disaster preparedness and evacuation response, and the City's ability to provide residents and visitors even the most basic of medical emergency services.

↑  
DEIR I22-3

This EIR fails as being complete because it also postpones various feasibility studies and defers to issues being mitigated because they are either due to economic constraints or are said to occur with or without the project, or are not being mitigated now so makes it ok as a status quo. These answers are not acceptable when dealing in terms of loss of life and or property.

DEIR I22-4

This EIR fails to study & properly address future condition scenarios leading up to and including a maximum build scenario. A maximum build would assume that 100% of acreage that is along the corridor and within all possibly expanded Overlay boundaries were constructed to maximum height and density. Without studying various levels of percentage build out there is no way to effectively mitigate any safety issues.

DEIR I22-5

When the complete streets and overlay district fail to provide a base level of safety in terms of loss of life and property, then the projects fail. It would behoove us to study the two project aspects independently and then in terms of a cumulative project.

DEIR I22-6

DATE: August 28, 2017  
TO: TWITMC  
FROM: CM Rocco  
RE: CHVP Draft EIR  
Project segment Oceanside Blvd south to the BV Lagoon

The Draft EIR is seriously flawed. The entire project study area referenced has only been studied using “as is” road conditions and 2035 SANDAG models which DO NOT INCLUDE ANY POSSIBLE ROAD CONFIGURATION IMPACTS from both the 5/78 Interchange project AND the 5 Corridor widening project.

This means that the EIR fails in terms of all areas of study from traffic, parking, public services etc. for both key aspects: Complete Streets and Developer Overlay and land use changes.

The consultants and planning were informed by me during multiple workshops that these two major projects were not being considered. The South O area is designated as being the most heavily impacted in terms of the overlay as compared to the rest of the Coast Highway.

The public impacts are magnified and having attended the public workshops for both major projects, there were multiple scenarios mentioned by Caltrans which included closing Vista Way, closing the Cassidy Street and California Street ramps etc.. South O is landlocked and does not support any additional inorganic development density.

Parking Management Strategy:

The draft EIR does not properly study all safety, parking, parks and recreation and public services impacts from intensified development in this segment coupled with or without a road diet.

Differing scenarios have not been thoroughly studied: there is no maximum buildout assessment of impacts nor maximum buildout assessment of cumulative impacts.

For example, if every development decided to not include commercial space what would the economic impacts be on the merchants and neighborhood.

For example, if every development chose to do fees in lieu on every potential acre, there would be no parking, no public space, the Beach and parks would be under stress especially with the added inorganic density growth.

DEIR I22-7

DEIR I22-8

The Draft EIR does not study **climate changes impacts** in the Sprinter Node/dip area. There is no reference to the Climate Change Development Guidelines established by the CA Coastal Commission being taken into consideration. The dip is home to a federally endangered water body, a 100 and 500 year flood zone and a public beach that is contaminated and cannot even serve the existing population. The entire subject area requires much further study and should not be considered part of the Overlay study.

DEIR I22-9

Public Benefits are ill-defined in the EIR and again build out scenarios and various population level changes have not been sufficiently studied. Again, if all benefits are paid in fees in lieu, this negatively impacts South O elementary, all residential on street parking etc

DEIR I22-10

Parking Strategy: not fully studied. For example, if shared parking strategy is used to accommodate parking for a new development, what happens when the lot that provided the shared parking is then developed? The reduced requirements and various strategies in the EIR to not properly mitigate the dramatic potential loss in parking

DEIR I22-11

According to the code this  
The traffic study and the parking studies are flawed as is. The immediate homes abutting or in the coastal zone ca and reduced services. South O is not a Node related to transportation. It cannot be rezoned itself are NOT

DEIR I22-12

DATE: August 28, 2017  
TO: TWIMC  
FROM: CM Rocco  
RE: CHVP Draft EIR

The draft EIR for the CHVP fails to properly present all viable project alternatives to the public for easy review and fails to distinguish the full environmental impacts of the cumulative effects of the entire project: Complete Streets & Developer Incentive Overlay District.

The four alternatives described in the EIR are as follows:

1. No Project Alternative: No complete streets, No Incentive District
2. Alternative 1: 4 lanes Oceanside Blvd to Vista Way + Incentive District
3. Alternative 2: 4 lanes Morse St to Vista Way + Incentive District
4. Alternative 3: Complete Street entire Coast Highway, No Incentive District

This EIR fails to clearly present and analyze all possible alternatives by omitting 3 other possible alternatives. The three alternatives that should be included and fully presented for analysis are:

- Incentive Overlay Only, no Complete Streets
- 4 lanes Oceanside Blvd to Vista Way, No Incentive District
- 4 lanes Morse St to Vista Way, No Incentive District

On March 28, 2017, the city council was clear in identifying 4 alternatives to study, all of them defined specifically in terms of road design, NOT dovetailed with an Incentive District as a component. The Complete Streets project (aka road diet) being comingled with the Overlay Land Use has caused confusion. The average resident is responding to the EIR in a somewhat biased fashion by having to accepting the Zoning Overlay as a part of the CHVP alternative of choice by default when the underlying decision is really being based on road design.

From a public review perspective, the draft EIR makes it extremely difficult to separate the Complete Streets portion from the Incentive Overlay portion. In order to ensure that the Incentive District is fully understood and all impacts are identified and mitigated, it must be presented as a stand alone alternative within the EIR. Only then can it be combined and presented in a cumulative fashion that is more easily understood.



DEIR  
I22-13



DEIR  
I22-14

To have dovetailed the developer incentive overlay in as a part of the project alternatives related to road design has misguided the general public to a degree as to most this is an issue of single or double lanes, bike lanes and roundabouts, not the land use changes.

I think it would be prudent to study the impacts directly related to the Incentive Overlay alone be presented and then analyzed with the road design alternatives for a cumulative analysis. 7 total alternatives should be presented in the EIR.

....

In addition, the Incentive Overlay covers a land area that is much more expansive than the Complete Street segments. The EIR study fails to provide both quantitative and qualitative measurements of what a potential full coastal district build out impacts are under varying scenarios. The entire zone and code amendments portion of this draft EIR does not provide any substantial data on the impacts of land use choices, the probability of certain choices and absolutely no check and balance system to ensure that worst case scenarios do not occur.

For example, if all projects are streamlined and there is no public process, what happens if every developer pays into in lieu funds for parking or for public benefit? What if a project used shared parking as a strategy and then the lot that was for shared parking gets developed and no parking is provided because of fees paid in lieu or because it is senior or SRO housing?

Such comprehensive zone changes, without oversight and loose fee usage could severely deteriorate the livability of the coastal zone residents. The coastal zone could fail economically once you eliminate due process. The code and land use amendments carry much more weight to them in the ability to negatively impact the surrounding resident and visitor experience. The matrix of options has to be more fully analyzed and the scenarios must be made fully transparent in the EIR so that we can make sure that the changes are in the best interest of the city, residents and visitors alike.



DEIR  
I22-14



DEIR  
I22-15

**Letter  
DEIR I22  
Response****CM Rocco  
August 28, 2017**

DEIR I22-001 This comment generally states that the EIR does not sufficiently study or mitigate fire and public safety scenarios and impacts. While this commenter provides this general assertion, it is important to note that not all effects to public services are considered environmental effects as defined by CEQA. Under CEQA’s definition of environmental impacts, increases in demands on public facilities, services, and utilities that could result from a project are not environmental impacts that must be evaluated (*City of Hayward v Board of Trustees of Cal. State Univ. (2015) 242 CA 4<sup>th</sup> 833, Section 6.36*). The conclusion of the DEIR is that the proposed project would not cause an environmental impact related to the provision of public services to the study area.

This comment states that the increased building heights in the downtown already cause a danger to the public in this commenters opinion. This type of concern is not an environmental issue. As well, when emergencies necessitate a ladder truck, support can be provided from Fire Station 7 (3350 Mission Avenue), Fire Station 6 (894 N. Santa Fe Avenue), or from within the city of Carlsbad and/or Camp Pendleton, as is the current condition. The delay in arrival of a ladder truck from a station farther away would continue to create less than optimal response times, but is an acceptable response time and service condition.

The DEIR addresses the City’s current plans for fire stations/facilities beginning on page 3.12-8:

*“While the City is planning on providing a location and structure/station for a ladder truck in greater proximity to the downtown area, the specific location, timing, and nature of this additional facility is not known at this time. While consideration of the environmental effects of these future safety facilities within the city would be speculative and is not within the scope of this CEQA document, the environmental effects of the future development of those facilities would be required to adhere to the requirements of CEQA when they are proposed in the future by the City of Oceanside.*

*Because the current city facilities can serve the anticipated new population that could result with implementation of the Incentive District and within the downtown area from the existing stations and structures within the city, there is not a need for construction of a specific facility directly related to adoption of the Incentive District. For this reason, the project would not result in environmental impacts associated with the construction of new public safety facilities.”*

While the City does strive to maintain certain response times, it is not unusual for a City to not always attain the response time targets. This commenter states that the City does not have sufficient ladder trucks near enough the studied area. While it is true that the City has identified that a ladder truck housed closer to the downtown area would improve response times, it is not correct that the City does not have sufficient ladder trucks to serve the downtown. Rather, the primary reason the Fire Department is not meeting targeted responses times is because of high incident volume for Fire Stations 1 and 2 and that the high incident volume creates delays for second unit responses coming from other City of Oceanside fire stations (see bottom of page 3.12-1 of the DEIR).

DEIR I22-002 This comment states that the Complete Streets improvements have not sufficiently evaluated to determined impacts to emergency services response times. As noted above in Response I22-001, increases in demands on public facilities and services are not environmental impacts that need to be evaluated in an EIR. In addition, the City of Oceanside Fire Department did examine of the adequacy of the roundabout design to emergency vehicles that would be anticipated to use Coast Highway. The Oceanside Fire and Transportation Engineering departments have conducted real world street level tests of roundabout maneuvering with the longest fire vehicle in the fleet. Furthermore, each roundabout design, including the future designs for the Oceanside Coast Highway Corridor project should it move forward, would be evaluated individually during the design phase. Roundabouts in concept are not a cause for concern for the Oceanside Fire Department.<sup>7</sup>

The Fire Department would also continue to be part of the design process of the Complete Streets to ensure that the lane reduction and new roundabouts would accommodate large fire engines and response times for emergency services. The Fire Department has been working with the City as part of the project's steering committee and has provided input in the design to ensure U-turns and mid-block turning over medians would be possible. Using their input, Coast Highway's design allows for heavy vehicle radii for turning left and making U-turns. The roundabouts would be constructed to allow semi-trucks, waste-management trucks, and fire truck access. In addition, Coast Highway's center median would be constructed with low curbs to allow left turning access to fire trucks and police vehicles mid-block. These preliminary designs would be further advanced as part of subsequent design phases.

The comment also states that the circulation element does not explore the plausible scenarios that could occur in a maximum build scenario. It is not clear whether this statement is regarding the DEIR or the City's General Plan, which includes a Circulation Element. The responses contained herein are limited to the adequacy of the EIR on the proposed Oceanside Coast Highway Corridor Study,

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<sup>7</sup> Email communication with David Parsons, Fire Captain at the Oceanside Fire Department, November 22, 2017.

so comments related to the City’s Circulation Element are not addressed. If the comment is suggestion that a maximum build scenario should be included in the traffic and other environmental analyses contained in the EIR, it should be clarified that CEQA does not require assessment of a maximum build scenario. Due to regulatory constraints, physical constraints, and foreseeable market conditions, realization of this scenario is not reasonably foreseeable and is highly unlikely.

Given the highly unlikely and speculative nature that a maximum build scenario would occur within the project area, this scenario was determined to be inappropriate for inclusion in the EIR. Furthermore, this commenter does not provide any substantiation of the opinion that the projections contained in the DEIR are unreasonable. An EIR only need analyze reasonably foreseeable growth effects of a project but not speculative effects. The growth forecast to 2035 is a reasonable growth projection, as is contained and analyzed in the technical analyses contained in the EIR.

DEIR I22-003 This comment expresses concern regarding the City’s ability to provide fire safety, natural disaster preparedness and evacuation response but does not provide specific evidence or any substantiation to support these concerns. For this reason, a specific response is not provided. In addition, it should again be noted that an increase in demands on public facilities and services are not environmental impacts that need to be evaluated in an EIR.

DEIR I22-004 This comment expresses that the postpones feasibility studies and defers issues being mitigated because of economic constraints or because they are existing conditions, and raises concerns about the adequacy of the DEIR. However, the comment does not provide a specific reference to a particular impact, analysis, or mitigation measure(s). The City has considered this comment and the analysis contained in the EIR and concludes that the analysis and mitigation measures are appropriate for the type of analysis required in a joint program- and project-level EIR in accordance with the CEQA Guidelines. A joint program- and project-level EIR was determined to be the appropriate CEQA document for the proposed project since the Incentive District would result in issuance of a set of regulations that could be applied to future development in the project area (programmatic), and changes to the configuration and design of Coast Highway have been specified at a level of detail that allows for a more specific project-focused review. Subsequent activities and components of the project must be compared to this EIR to determine whether additional environmental documentation is required.

The EIR is as specific as possible regarding both the Complete Streets improvements and Incentive District project components and it is anticipated that the majority of the project would not require additional environmental review as project-level analysis is provided in this EIR. Future development and

redevelopment projects that might occur within the Incentive District would be required to undergo the City's development review process, where the City would determine if a project is consistent with this EIR pursuant to CEQA requirements. Where specified in this EIR, future development and redevelopment projects would be required to implement all applicable mitigation measures. Once the City has determined a project has demonstrated compliance with this EIR, no subsequent actions would be necessary to fulfill the requirements of CEQA. Therefore, due to the program- and project-level nature of the EIR, the analysis does not defer mitigation but rather imposes mitigation on subsequent projects implemented under the project in accordance with this EIR.

DEIR I22-005 This comment states that the EIR fails to study and properly address future condition scenarios leading up to and including a maximum build scenario. The DEIR properly examines traffic and other impacts based on a projection method which is used to address the anticipated future condition with implementation of the project. Page 2-22 of the DEIR summarizes the projections that are used in association with the Project Description, including Table 2-1, which summarizes the anticipated land use development that could occur with adoption of the Incentive District through the year 2035. The new development anticipated under the Incentive District would be consistent with the growth and development potential under the City's existing General Plan land use regulations and could occur under current conditions. However, it is expected that with implementation of the Incentive District, development might be encouraged such that growth and/or new land uses could occur more quickly than under current conditions. Potential anticipated growth is studied in the EIR through the year 2035. CEQA does not require assessment of a maximum build scenario, as this comment asserts. Due to regulatory constraints, physical constraints, and foreseeable market conditions, realization of this scenario is not reasonably foreseeable and is highly unlikely.

Given the highly unlikely and speculative nature that a maximum build scenario would occur within the project area, this scenario was determined to be inappropriate for inclusion in the EIR. Furthermore, this commenter does not provide any substantiation of the opinion that the projections contained in the DEIR are unreasonable. An EIR only need analyze reasonably foreseeable growth effects of a project but not speculative effects. The growth forecast to 2035 is a reasonable growth projection.

DEIR I22-006 This comment addresses concerns regarding safety in regards to the project and recommends the two aspects of the project be studied separately. The two aspects of the project, Complete Streets Improvements and the Incentive District, are analyzed in Chapter 3.7, *Hazards and Hazardous Materials*, of the EIR. The EIR concludes Complete Streets Improvements,

*“would not create a significant hazard to the public or the environment, and impacts would be less than significant. No mitigation measures would be required” (DEIR 3.7-17).*

Additionally, the EIR concludes the Incentive District,

*“[f]or projects that would disturb 1 acre or more at a time, the project would be required to comply with the Construction General Permit. This requires preparation and implementation of a site-specific SWPPP, which would contain BMPs to prevent pollutants (including sediment and hazardous materials) from leaving the site in runoff. Nevertheless, the potential for contaminated soil and soil vapor to be encountered and released into the environment during project construction would be considered a significant impact. Because the timing of the future Incentive District projects is unknown, it is also unknown whether the contaminated sites listed above would be remediated by then. For this reason, this would be a potentially significant impact of the projects implemented under the Incentive District (DEIR pg. 3.7-18).*

No revision to the EIR is required in response to this comment.

DEIR I22-007 This comment states that the traffic analysis is flawed as it analyzes “as is” conditions where the SANDAG model doesn’t account for the possible road configuration impacts associated with the Vista Way/SR-78 & I-5 Interchange Project and the I-5 Corridor Widening Project. Based on comments received by Caltrans stating that as 2018 there is no funding for the improvements of the Vista Way/SR 78 & 1-5 Interchange Project, the TIA (2017) contained in the DEIR was updated to remodel the project without these improvements using the existing configuration of the Vista Way/SR 78 & 1-5 interchange (refer to the revised TIA (2018) prepared for the PRDEIR). The City coordinated with Caltrans to include the appropriate Year 2035 conditions for I-5 and the interchanges located within Oceanside.

The revised TIA (2018) prepared for the PRDEIR provides a re-evaluation of all traffic scenarios without implementation of the future improvements to the Vista Way/SR-78 & I-5 Interchange. The results of the new analysis are in Section 3.14, *Transportation and Traffic*, and in the appendices of the PRDEIR.

DEIR I22-008 This comment states that the DEIR fails to analyze safety, parking, parks and recreation and public services impacts from intensified development and does not include a maximum buildout analysis. This comment does not provide specific evidence or any substantiation to support these claims as to how the DEIR fails to analyze these environmental topic areas. For this reason, a specific response is not provided. This comment states again that differing scenarios have not been thoroughly studies and that there is no maximum buildout assessment. Please

refer to response DEIR I22-005 for a response to this comment, including why a maximum buildout analysis is not required.

In addition, this comment questions what the economic impacts would be on the merchants and neighborhood if every future development under the Incentive District decide to not include commercial space. As discussed in response DEIR I18-002, Section 15131 states that while economic impacts are part of understanding the significance of a proposed change, the focus of the analysis should be on the physical changes to the environment. Therefore, if the economic impacts of a project do not result in a physical change to the environment, those economic impacts are outside the scope of the environmental analysis required in the EIR per CEQA Guidelines. For this reason, an economic analysis is not included in the EIR for the project. However, this comment is included in this FEIR for consideration by the City prior to making a final decision on the project.

DEIR I22-009 This comment includes specific concerns related to climate change and the adequacy of the DEIR in light of these concerns. Specifically, the comment implies that the DEIR should address climate change impacts that could affect the Sprinter Node/dip area.

In 2015, the California Supreme Court in *California Building Industry Association v. Bay Area Air Quality Management District* ruled that CEQA concerns only the effects of a project on the environment and not the effects of the environment on the project. In its decision, the California Supreme Court cited to four Court of Appeal decisions in support of its position: *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464; *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889; *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th 1604; and *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455.

These four cases held that CEQA does not generally require an agency to analyze how existing hazards or conditions might impact a project's users or residents. Specifically, in *Ballona Wetlands Land Trust v. City of Los Angeles*, the court found that identifying the effects on a project and its users of locating the project in a particular environmental setting is inconsistent with and unauthorized under CEQA. An exemption to the court's finding is in the case of a project impacting the physical environment, such as by causing a diversion of floodwaters due to new construction.

As discussed in Section 3.8, *Hydrology and Water Quality*, of the DEIR, the project would have a less than significant impact with respect to substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The project would also have a less than significant impact with

respect to placing housing within a 100-year flood hazard area, placing structures within a 100-year flood hazard area that would impede or redirect flood flows, or exposing people or structures to a significant risk of loss, injury or death involving flooding. Therefore, the effect of potential sea level on the project is not required to be evaluated in this EIR.

The CCC adopted the Sea Level Rise Policy Guidance on August 12, 2015. An internet search of California Coast Commission documents did not find a document titled Climate Change Development Guidelines. It is presumed that this commenter's reference to the Climate Change Development Guidelines is in fact referring to the Sea Level Rise Policy Guidance. The Sea Level Rise Policy Guidance states that the document "is advisory and does not alter or supersede existing legal requirements, such as the policies of the Coastal Act and certified LCPs." Given the court rulings and the findings of the DEIR as discussed above, an analysis regarding the Sea Level Rise Policy Guidance is not required in the EIR.

As shown in Figure 2-2 and Figure 2-3 of Chapter 2, *Project Description*, of the DEIR, the Complete Street Improvements and the Incentive District do not include public beaches. Therefore, the public beach referenced in this comment is not required to be evaluated in this EIR.

- DEIR I22-010 This comment states that public benefits are not well defined in the EIR. It is not a requirement of CEQA that the analysis consider the benefits of the project. As well, this comment states that various population levels should be more thoroughly studied and implies that the DEIR should include a buildout scenario. Please refer to response DEIR I22-005 for a response on why a maximum buildout analysis is not required. Please refer to response DEIR I4-002 for a response on the analysis conducted for population growth in the DEIR.
- DEIR I22-011 This comment states that parking was not adequately analyzed in the DEIR. Please refer to response DEIR I4-007 for a response on impacts to parking.
- DEIR I22-012 This comment states the traffic and parking study are flawed as is and that South Oceanside is not a Node related to transportation and cannot be rezoned. This comment does not provide specific evidence or any substantiation to support these claims as to how the DEIR fails to analyze traffic. For this reason, a specific response is not provided.
- DEIR I22-013 This comment states that the DEIR fails to properly present all viable project alternatives to the public for review and fails to distinguish the full environmental impacts of the cumulative effects of the entire project. Please refer to response DEIR I19-002 for a response to the range of alternatives required to be studied in the EIR in accordance with CEQA. Please refer to response DEIR I10-008 for the response to the cumulative impact analysis in the DEIR.

DEIR I22-014 This comment states that the Incentive District should be separated from the Complete Streets improvements and be included as a standalone alternative in the EIR. The Incentive District is proposed as part of the project and therefore is analyzed in the main body of the EIR and cannot serve as an alternative to the Complete Streets improvements. In addition, the EIR distinguishes between the Complete Streets improvements and Incentive District with separate discussions for each component throughout the entire DEIR, except for the environmental issues areas where the analysis of future conditions includes both components (i.e., transportation and traffic, noise and vibration, etc.). No revision to the DEIR is required in response to this comment.

DEIR I22-015 This comment reiterates that the DEIR lacks a buildout scenario and questions if there are checks and balances to the streamlining allowed under the Incentive District. Please refer to response DEIR I19-002 for a response to the range of alternatives required to be studied in the EIR in accordance with CEQA.

As discussed in response DEIR I22-004, future development and redevelopment projects that might occur within the Incentive District would be required to undergo the City's development review process, where the City would determine if a project is consistent with this EIR pursuant to CEQA requirements. Where specified in this EIR, future development and redevelopment projects would be required to implement all applicable mitigation measures. Once the City has determined a project has demonstrated compliance with this EIR, no subsequent actions would be necessary to fulfill the requirements of CEQA. However, if a project is not consistent with this EIR, it would be subject to its own environmental review process under CEQA. Furthermore, future development and redevelopment would still have to undergo the City's administrative approval process, where the City's planning process would ensure that future projects are aligned with the City's vision for this area of the city. Furthermore, the City could elect to include public notice and comments for specific projects during the administrative review process. Therefore, with these safeguards in place, there would be checks and balances in the approval of future development and redevelopment projects under the proposed project and this EIR.

The City appreciates this commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.



August 28, 2017

John Amberson, Transportation Planner  
City of Oceanside  
Submitted via email

Subject: Comments on DEIR Coast Highway Corridor Study

Dear Mr. Amberson:

These comments on the DEIR for the Coast Highway Corridor Study are submitted on behalf of the Sierra Club North County Coastal Group (NCCG). We appreciate that this project moves the city toward implementing smart growth polices along this corridor that is identified as a Smart Growth site. Since personal driving is the largest regional source of Greenhouse Gas (GHG), reducing vehicle miles traveled (VMT) is an important metric. We are particularly pleased that this project integrates land use and transportation planning instead of the piecemeal approaches of the past. It reduces the current car-centric design of this corridor, and supports increased use of alternative transportation. Other cities have found that implementing real smart growth is one of the best ways they can meet new state and local targets for reducing Greenhouse Gas (GHG) emissions. We commend the city for taking this important step in the right direction.

The Sierra Club supports transportation system policies that:

- minimize the impacts on and use of land, airspace and waterways, minimize the consumption of limited resources, including fuel, and reduce pollutant and noise emissions;
- provide everyone, including pedestrians, bicyclists and transit users, with adequate access to jobs, shopping, services and recreation;
- provide adequate and efficient goods movement and substitute local goods for those requiring long distance movement, where feasible;
- encourage land uses that minimize travel requirements;
- strengthen local communities, towns and urban centers, and promote equal opportunity;
- eliminate transportation subsidies which handicap achievement of the above goals; and ensure vigorous and effective public participation in transportation planning.

We have reviewed your plans for the S. Coast Highway Corridor Study and find that it comes the closest to meeting our Sierra Club policies. Overall there are many things we like about this project. However, there are still a few things that need to be addressed to ensure that the community receives all of the benefits of the project and that it fully addresses the potential adverse impacts on the environment.

The following are our specific comments.

DEIR I23-1



**Air Quality (AQ)**

- Impacts on nearby residential neighborhoods

Residents of all of the nearby neighborhoods are potential sensitive receptors because of the length of time people may spend in their homes and yards. It is not clear how those along S. Coast Highway and within range of impacts will get evaluated at a project level. Please clarify what triggers project level review.

DEIR I23-2

- Mitigation Measure(MM) ID AIR-2 needs further definition

This MM assumes a mode split with more trips made by public transit. But just providing turn-outs and bus shelters provides no assurances that there actually will be a bus serving them. Without actual public transit service, this is not adequate mitigation. NCTD struggles with adequate operations funding. In order for this to be considered adequate mitigation there really need to be controls that assure the assumed level of transit service will in fact be provided and that there is a mode split that reduces the auto share of trips in the corridor.

DEIR I23-3

- Mitigation Measure ID AIR-2 should also reference SDAPCD Rule 50 Visible Emissions
- No basis for the conclusion that “there are no other feasible mitigation measures to reduce contribution to a less-than-significant level to an existing or projected Air Quality threshold associated with future construction and operational activities.”

CEQA does not allow a conclusion that there are no other feasible measures without substantial evidence to support that conclusion. (Village of Laguna Beach, supra,134 Cal.App.3d 1022; see also Topanga Association for a 15.10 Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 516-517) No such evidence of what has been considered and why it was determined to be infeasible has been provided. We understand that this analysis remains nebulous because the timing and magnitude of both construction and the size/location of built projects is still TBD. One of the options to reduce these future impacts is to segment projects in a way that controls the impacts at a point in time and can thereby keep them under the limits. For example, the city of Encinitas is in the CEQA process for a similar 2.5 miles section of Coast Highway in Leucadia. It is divided into segments for construction. That could also be applied to the land use project review so that projects are not permitted unless they achieve the required threshold at that point in time.

DEIR I23-4

There are also other models about how to address future unknown impacts. For example, the city of Oceanside required a Transportation Demand Management Plan (TDMP) as a mitigation measure for future transportation impacts in the FEIR for the El Corazon Master Plan. Requiring each future project to be consistent with the TDMP would thereby reduce the cumulative impacts that were determined to be significant and unavoidable. The same process could be used to address AQ by requiring a plan to address cumulative impacts (in concert with the San Diego Air Pollution Control District (SDAPCD)) with future projects each making their fair share contribution consistent with the adopted plan. Installing a Dividend Account Parking system at a project would be a beneficial addition to a TDMP.



There are also numerous mitigation measures that could be applied like siting staging areas downwind from schools and other sensitive receptors., requiring higher level of CARB certification for construction equipment per 13 CCR Section 249, etc.

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DEIR I23-4

The review of operational emissions from vehicles shows a per capita VMT of 6.36 in 2035 down approximately 11% from baseline of 6.56. This is less than the 15% reduction required by CARB per AB32 plus with the number of vehicles presumably increasing (that was not discussed) there is an even greater disparity. Since AQ and GHG are functionally linked, further GHG reductions that are feasible need to be considered and they will also help address these AQ impacts. (See section on GHG for specific suggestions.)

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DEIR I23-5

More effort is needed to have a plan in place to address these impacts over time.

- No basis for the conclusion that there are no other feasible mitigation measures to reduce “contribution to a cumulatively considerable net increase of a criteria pollutant for which the project region is in non-attainment associated with construction and operation of the Incentive District.”

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DEIR I23-6

The same arguments made above are also relevant for this section. Review of operational emissions from vehicles shows a per capita VMT of 6.36 in 2035 down approximately 11% from baseline of 6.56. This is less than the 15% reduction required by CARB per AB32 plus with the number of vehicles presumably increasing (that was not discussed) there is an even greater disparity. Since AQ and GHG are so linked, further GHG and VMT reductions that are feasible need to be considered and they will also help address these cumulative AQ impacts. (See sections on Transportation and GHG for specific suggestions)

**Land Use**

- Consistency with Coast Highway Vision and Strategic Plan

We understand that the Incentive District (ID) provisions as shown in the appendices are intended to implement the adopted Coast Highway Vision and Strategic Plan. (SP) However. we have a number of concerns about some of the details and whether they actually will result in the changes envisioned, and provide adequate opportunities for community input. One of the key provisions of the SP is to distinguish nodes, neighborhood commercial areas, and avenues. The avenues are intended for primarily residential uses, compatible with nearby neighborhoods, and contributing to variability in the skyline and elimination of the current 3-mile-long strip mall effect of current zoning. Table 3 Urban Standards by Subarea shows a maximum 45’ height for all three areas. Conditions that would restrict the avenues from turning into a 45’ tall wall of residential uses really are not specified. Only administrative review is provided for projects of 43 du/acre or less and height below 45’. Since the taller/denser projects provide greater economic potential for developers why would they not go for the maximum while also staying just below these thresholds for smaller parcels? In order to actually achieve the project objectives and be consistent with the SP we believe the ID needs greater protection

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DEIR I23-7  
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for height limits, and compatibility with adjacent neighborhoods. Failure to address this remains a potential unmitigated adverse impact on Land Use.

- Consistency with future CAP/TDM provisions

The proposed ID does not reference any future TDM or CAP provisions. Both of these will be critical to the city's ability to achieve the GHG reductions mandated by state law. Please clarify exactly how you intend to ensure the ID will incorporate these anticipated future programs.

**Water Quality (WQ)**

- San Luis Rey is not the only applicable Water Quality Improvement Plan (WQIP)

The Carlsbad Hydrologic Unit watershed is also covered by an adopted WQIP with separate actions required to address the pollutants of concern. Please add appropriate reference to this WQIP and analysis of any impacts. The priority pollutant of concern in this watershed is bacteria which is not the same as was identified for the SLR watershed WQIP.

- Complete Streets Low Impact Development (LID) design

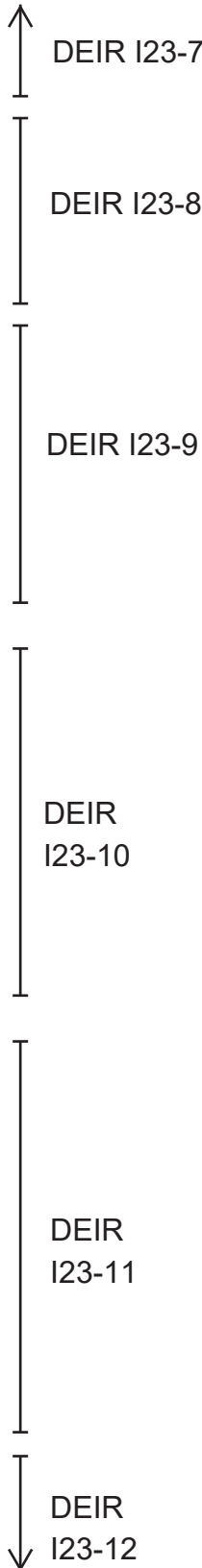
The DEIR explains why the Complete Streets portion of the project is not required to prepare its own SWIP because it will have less impervious cover, more landscaping and will potentially reduce the amount of storm water run-off. It will however still be subject to other requirements including LID. Since roundabout and street landscaping details are still not finalized we would like to see these optimize run-off capture and the use of roadway run-off to water landscaping. This kind of design was integral to the landscaping on Mission Blvd downtown and it seems to be working well. Please add some discussion of LID design features of the project, particularly regarding landscaping and roundabouts, and ensure these are included in project conditions.

**Noise**

- Traffic noise on Wisconsin between Freeman and Ditmar

The DEIR concludes that "sound walls or other attenuation approaches are not feasible in this location." But it describes no other mitigation measures that were considered. There seem to be many possible methods that could be used like diverting some traffic from this road segment, optimizing use of alternative transportation, monitoring land use changes to reduce the addition of any Average Daily Trips (ADT) along this segment, and even basic things like additional enforcement of the laws prohibiting excessively-loud vehicles, reducing the speed limit using traffic-calming infrastructure if necessary, or enhanced landscaping to shield the playground at St. Mary's and other schools. Further effort is needed to address this impact.

- Cumulative ambient noise levels associated with Complete Streets, Incentive District and construction





Similar to AQ, there is not substantial evidence that there was analysis of other potential mitigation measures or why they are deemed infeasible. There are numerous ways that construction noise impacts can be reduced such as by segmenting the project and limiting the amount of construction that can occur at one location at one time; requiring construction methods that reduce noise generation like the use of some hand tools or less noisy equipment; or locating staging areas and construction access roads in a way that reduces impacts. Further mitigation is needed to demonstrate a good faith effort to reduce this impact.

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DEIR  
I23-12

- Analysis of peak and not just average noise levels

The DEIR failed to discuss the potential impacts of intermittent, peak noise levels, People do not experience noise as an average per hour- it is what they hear at a point in time. The FHWA Highway Noise Prediction Model and other sources cited rely on average noise analysis. Please add further discussion about potential peak noise levels and analysis of their impacts.

DEIR  
I23-13

- Noise impacts on nearby residences

The DEIR discusses the General Plan policies related to noise impacts on residential land uses. The DEIR says there are residences on South Coast highway and immediately adjacent to it that will be within the areas of potential impacts. It is unclear what will trigger the need for project specific noise analysis studies. Please include such triggers.

DEIR  
I23-14

**Transportation**

- Failure to address results of VMT analysis

Page 3.14-34 discusses the requirement of SB 743 to conduct VMT analysis of new development and achieve a 15% reduction below existing. The analysis determined that the project would achieve a 3% reduction in VMT between Existing and Future Conditions + Project- far short of the 15% reduction required. In this circumstance, the draft Office of Planning and Research (OPR) EIR Guideline recommends additional mitigation measures that further reduce or eliminate auto trips. This includes parking demand management, TDM, and further improvements to the roadway to promote travel by biking and walking. The DEIR fails to include any such mitigation measures. Failure to comply with this requirement of state law remains a significant unmitigated impact.

DEIR  
I23-15

Additional mitigation measures (MM) to further reduce VMT are feasible. In recent litigation over the County of San Diego’s CAP, the court found that several MM proposed by the Sierra Club were feasible and should have been considered, including a system to mitigate the harm of bundled-benefit parking. A paper presented to the Air and Waste Management Association (incorporated by reference) details how such a program could be implemented and how it would help achieve VMT and therefore GHG reductions (A Plan to Efficiently and Conveniently Unbundle Car Parking Costs, Air and Waste Management Association Paper 2010-A-54-AWMA, Mike R. Bullock and Jim R. Stewart.) The transportation analysis failed to even provide a parking analysis or discuss how parking provisions with both the Complete Streets (CS) and Incentive District (ID) could help achieve further VMT reduction and thereby also help address AQ and GHG, two areas where there are significant unmitigated impacts.



A 2014 study by Eric Jaffe found that providing free parking “may blunt the efficacy of efforts to get commuters to walk, cycle, and ride public transportation to work.” It concluded that “incentives to ride transit aren’t enough to shift computer preferences on their own. If cities want real change, they need to create disincentives to drive or park, too.” (It’s Amazing How Many More Commuters Would Drive Less if They Didn’t get Free Parking, Eric Jaffee, August 1, 2014  
[http://www.citylab/commute/2014/08/its-amazing-how-many-commuters-would-drive-less-if-they-didn’t-get-free-parking/375402/? Utm source=SFFB](http://www.citylab/commute/2014/08/its-amazing-how-many-commuters-would-drive-less-if-they-didn-t-get-free-parking/375402/? Utm source=SFFB))

DEIR  
I23-16

Please include further analysis of parking and propose further mitigation to address the failure to comply with the provisions of SB 743.

- Project contribution to unacceptable levels of service at Coast Hwy and Wisconsin, Vista Way and Stewart Street

Part of the challenge of dealing with increasing levels of traffic is to change long-existing patterns of land use, and to provide people choices of travel mode that work for where they live. Again, there has been no substantial evidence that there are no feasible ways to reduce this adverse impact. Actions to address VMT could also reduce the impacts at these particular locations. There also may be ways to adjust the ID land uses so that fewer trips are generated that would impact these locations.

DEIR  
I23-17

As another example of actions that could reduce VMT, Oceanside could urge the County, SANDAG, and California to move forward beyond the implementation of SB 1077, to design and implement a comprehensive and environmentally-sound Road Use Charge (RUC) Pricing and Payout System. Such a system would include congestion pricing to prevent undesirable levels of service on freeways, arterials, and neighbor streets. As we electrify our fleet, which we must do, it becomes more obvious every year that the gas tax is a poor method of road-use charging.

**Greenhouse Gas Emissions**

- Future Project consistency review with Oceanside’s CAP must be mandated

The DEIR states that “it is expected “that future projects would undergo consistency analysis with the CAP that is currently under development. That “expectation” is not sufficient to ensure that this occurs. The CAP will be a qualified plan (will achieve a properly-derived significance threshold, thus allowing other projects to tier off of the CAP) that will be used to determine that future projects have sufficiently mitigated their GHG impacts. There needs to be a specific, enforceable MM that requires such consistency review for each project that will contribute to cumulative GHG.

DEIR  
I23-18

- Failure to comply with General Plan (GP) policy 4.9 re TDM

This policy says that the city shall “look for opportunities to incorporate TDM programs into their energy Roadmap that contribute to goals for saving energy and reducing GHG.” A corridor level project like this creates the perfect opportunity to have an overall TDM plan that each project would contribute toward over time.

DEIR  
I23-19



- Contribution to a net increase in GHG associated with the Incentive District and cumulative projects

Again, the DEIR has failed to provide substantial evidence that there are no other feasible mitigation measures. It mentions the Oceanside CAP currently being developed, but does not obligate the Project to comply with the CAP, or to establish a time frame for doing so. Since the city controls the time frame for implementing the Project and the time frame for completing the CAP, they have full capability to require the CAP to be adopted prior to initiation of the Project, and that the Project will be required to comply with this future CAP.

While the CAP will not be able to require all existing developments to meet new higher energy efficiency standards in the short term, it will be able to mandate such standards for all new construction, like that anticipated with the Incentive District. Oceanside should commit to doing this enforceable mitigation measure in this EIR process.

There are also numerous mitigation measures that could be applied to this project that may not be in the draft CAP, but are still relevant for this project. One of those is the use of shared/unbundled and/or Dividend Account parking. This could help address both GHG and Transportation adverse impacts (see section on Transportation for more discussion of this).

**Public Services**

- Impact on emergency response times (ERT) is a potential significant unmitigated impact

This issue was raised by community members and was also a significant concern with the similar project in the city of Encinitas. Encinitas did further evaluation of this issue by a technical expert (Burden, Dan and Zykofsky, Paul. *Emergency Response-Traffic Calming and Traditional Neighborhood Streets*. [http://nactgo.org/docs/usdg/emergency\\_response\\_manural\\_burden.pdf](http://nactgo.org/docs/usdg/emergency_response_manural_burden.pdf)). This study found varying results at intersections depending upon site specific conditions. The study recommended that the FEIR add a mitigation measure to do site specific ERT analysis at each phase of the project to ensure compliance with ERT thresholds in place at the time. If ERT exceeds the threshold it would then trigger new fire station construction or adjustments in emergency response vehicle staging locations or staff deployments. This assures the community that there will not be degradation in ERT as a result of the roundabouts or other changes.

Please provide the Insurance Services Organization rating of the fire services in the city of Oceanside and how this rating would be impacted by having a ladder truck stationed where it can support the downtown.

Oceanside is already failing to meet its performance standards for ERT and acknowledges that both the project and cumulative development will make this situation worse. The planned way to address this is with the modification of Station 1 to accommodate a ladder truck. It was also mentioned in the discussion that the city could include updating its impact fees. Having the funds to make the facility improvements is essential to constructing the improvements and constructing the improvements is essential to meet the performance standard.

DEIR  
I23-20

DEIR  
I23-21



In the absence of any assurances that this will happen, the failure to meet public service performance standards is a significant adverse impact that has not been mitigated. This could be addressed by adding a MM to update the impact fees and complete the construction of the improvements to locate the ladder truck down town within a specified period of time.

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DEIR  
I23-21

**Population and Housing**

- Potential to displace substantial numbers of existing households or people, necessitating the construction of replacement housing elsewhere

The DEIR concludes that while there would be “physical changes to the circulation system within the Coast Highway corridor with the Complete Streets improvements, that “Existing housing units and other uses adjacent to the corridor would not be affected and displacement of existing households or people would not occur. “

It further concludes that “while some future projects could remove existing residential units, the overall amount of housing units within the Incentive District area would increase compared to the existing housing stock of the area. Therefore, the proposed project would not displace a substantial number of existing housing units or residents within the Incentive District area.”

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DEIR  
I23-22

This fails to consider how changes in the type and amount of housing will impact the low-income residents, particularly those in the mobile home park, and the availability of lower cost visitor serving uses in the RV parking area. We do not see any specific provisions in the ID guidelines that would protect low income residents from such displacement. While the ID would allow for different types of residential, commercial, and mixed-use developments throughout the corridor, the intent to “provide a stimulus in the project area and to encourage the type of development that the City would prefer in the project area” clearly leaves these residents at risk. It does not appear that meeting the city’s minimum requirements for affordable housing with new development has any ability to replace the number of existing low- cost units that will be lost. There are numerous regional examples (such as the City of San Diego Morena Blvd district) where such redevelopment has had such an impact on low income residents. Instead of being ignored, these impacts need to be considered, planned for, and provisions made to accommodate such displacements as part of the project. Failure to address these impacts to the financially displaced remains a potentially significant unmitigated impact.

**Alternatives Analysis**

The Alternatives Analysis concludes that Alternatives 1 and 2 are the environmentally superior alternatives. This seems like a fairly subjective conclusion. Table 5-16 summarizes the comparison of the alternatives. Alt 1 and 2 were rated as equivalent to the proposed project on 14 of 15 variables evaluated and as having a reduced impact on only one. That minimal improvement has to be weighed

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DEIR  
I23-23

against the failure of both Alts 1 and 2 from fully meeting numerous project objectives as shown on Table 5-15 including: transforming Coast Highway into a “Complete Street”, improve the pedestrian environment, provide a continuous striped bicycle lane., improve traffic flow and implement traffic

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calming to reduce traffic intrusion to adjacent neighborhoods, improve safety for all roadway users, slow traffic speeds and improve traffic flow, and implement roundabouts in place of traffic signals where feasible to reduce auto and pedestrian conflicts at intersections.

The issues we have identified with the DEIR and need for additional mitigation measures also apply to Alts 1 and 2. We believe that the project as proposed provides greater overall benefits to the community and is more consistent with our transportation policies.

We therefor support the proposed project- with further analysis and mitigation measures as discussed in this letter. We also question whether the traffic analyses really did an adequate comparison of the alternatives. The City of Encinitas did an analysis of the results of a “Lane Diet” reducing a section of Coast Highway from 4 down to 2 lanes. They found it created no “hot-spot” problem locations, and had no meaningful changes in traffic congestion, volume or mix. (See North Coast Highway 101 Streetscape Improvement Project Recirculated DEIR, March 2017 p 3.4-5)

Thank you for your consideration of these comments. We are committed to work with you toward the implementation of a project that meets your objectives and minimizes any adverse impacts.

Sincerely,

Sally Prendergast /DN  
 Chairperson, Sierra Club North County Coastal Group



DEIR  
I23-23

DEIR  
I23-24

DEIR  
I23-25

**Letter  
DEIR I23  
Response****Sally Prendergast  
August 28, 2017**

DEIR I23-001 This introductory comment identifies this commenter as representing the Sierra Club North County Coastal Group (NCCG), and expressing the opinions of the NCCG regarding transportation system policies. This comment does not raise any issue concerning the adequacy of the DEIR and therefore no response is required.

DEIR I23-002 This comment states that all nearby neighborhoods are potential sensitive receptors and requests clarification on what triggers a project-level air quality review. Section 3.2, *Air Quality*, of the DEIR evaluates potential impacts to sensitive receptors from exposure to substantial pollutant concentrations (refer to Issue 4). MM Incentive District AIR-3 establishes clear performance standards for evaluating project-level impacts to sensitive receptors from exposure to substantial pollutant concentrations. As outlined in the mitigation measure, the performance standards are based on locating sensitive receptors within the advisory guideline recommendations stated in the California Air Resources Board (CARB) *Air Quality and Land Use Handbook*.

In addition, implementing projects requiring the use of diesel-fueled heavy-duty construction equipment that generates on-site emissions of 1 pound or more per day of diesel particulate matter for a period of 6 months or more within 500 feet of sensitive receptors would also be required to evaluate project-level impacts to sensitive receptors from exposure to substantial pollutant concentrations. These performance standards in MM Incentive District AIR-3 shall trigger project-level review for future development and redevelopment projects implemented under the Incentive District. No changes have been made to the EIR in response to this comment.

DEIR I23-003 This comment requests that further definition is provided for MM Incentive District AIR-2b and recommends that San Diego County Air Pollution Control District (SDCAPCD), Rule 50 (Visible Emissions) is referenced. The San Diego Association of Governments (SANDAG) and the North County Transit District (NCTD) are responsible for transit planning, programming, development and construction. As such, implementing projects do not have the authority mandate public transit service at specific locations. Therefore, MM Incentive District AIR-2b appropriately requires future development projects within the Incentive District, under specified conditions, to provide plans indicating locations of bus turnouts and loading areas with shelters that are acceptable to the local transit provider.

As discussed in Section 3.14, *Traffic and Transportation*, of the DEIR, the NCTD provides transit services to the City. Specifically, NCTD bus routes 101, 302 and 318 (northwest of Oceanside Boulevard) provide transit service along Coast Highway with multiple stops within the Incentive District. NCTD bus routes 303, 313, and 318 provide transit on roadways that intersect Coast Highway within the Incentive District. The intent of the MM Incentive District AIR-2b is to ensure that future development projects provide appropriate infrastructure to accommodate public transit bus turnouts and loading areas with shelters that are acceptable to the local transit provider based under specified conditions. Because implementing projects do not have the authority mandate public transit service at specific locations, it is not possible to specifically quantify the effect of MM Incentive District AIR-2b on regional VMT and VMT-related emissions, without speculation, and this EIR makes no attempt to speculate. However, this mitigation measure would support implementation of regional plans to reduce VMT and VMT-related emissions.

As discussed in Section 3.2, *Air Quality*, of the DEIR, the SANDAG's adopted 2015 Sustainable Communities Strategies (SCS) identifies strategies to reduce VMT and VMT-related emissions, which includes the expansion of transit with new rapid bus service. MM Incentive District AIR-2b would be consistent with this regional strategy by ensuring future development within the Incentive District provide appropriate public transit infrastructure under specified conditions that could accommodate transit expansion contemplated in the SANDAG 2015 SCS. Therefore, while the benefits of this mitigation measure cannot be specifically calculated for this project, it would support regional plans to reduce emissions.

With respect to SDCAPCD, Rule 50 (Visible Emissions) specifies standards for the discharge of any air contaminant other than uncombined water vapor, except as otherwise provided in Section (b) of the Rule. Compliance with SDCAPCD rules with respect to the emission of air pollutants are generally required, unless specifically exempted, and are thus not considered mitigation measures. Nonetheless, a description of SDCAPCD Rule 50 is included in Volume 3 of this FEIR for the public record, review and consideration by the decision-makers prior to a final decision on the project.

DEIR I23-004 This comment suggests segmenting projects in a way that controls the impacts at a point in time. This comment cites the City of Encinitas Leucadia Streetscape Project on North Coast Highway 101 as an example. As discussed in Chapter 2, *Project Description*, the Complete Streets Improvement would be constructed based on available City funding and would be accomplished in phases, with the first phase likely beginning in January 2018 and the last phase completed by December 2035. While the parameters of the construction phases are preliminary at this time, for the purposes of the analyses within this EIR it is assumed construction of the Complete Streets Improvements would occur first in

Segment 1 and continue segment by segment to the southern end of the project area. Thus, the Complete Streets Improvement includes segmentation or phasing based on known project information and foreseeable available City funding. Based on estimated maximum daily emissions associated with the Complete Streets roadway improvements, the emissions from the Complete Streets Improvement would not exceed the SDCAPCD emissions thresholds.

The Incentive District is dissimilar to the City of Encinitas Leucadia Streetscape Project and the Complete Streets Improvements because it does not propose to construct or operate specific development projects. If adopted, the Incentive District would provide optional regulations and standards that a developer or property owner may choose in lieu of the existing zoning. Future development in the Incentive District would be proposed by private developers. The City does not know nor can it control the timing of the construction activities of individual projects associated with the Incentive District.

Under the Incentive District, construction of individual projects would occur as property owners and developers decide that development is warranted based in large part on market trends. CEQA Statute Section 21061.1 defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” Because future development projects in the Incentive District are unknown, the City has no information to impose segmentation or phasing limitations that could at the same time jeopardize a project’s ability to obtain funding, to be implemented in a technically sound manner, or to otherwise be completed successfully. As a result, imposing a mitigation measure for the Incentive District that requires segmentation or phasing and automatically denies approval of a future proposed development project solely because it could exceed the SDCAPCD emissions thresholds, without consideration of economic, legal, social, technological, or other benefits, is inconsistent with the definition of feasible mitigation under CEQA.

With respect to the El Corazon Specific Plan EIR, the EIR recommended TDM strategies to mitigate air quality impacts. Recommended TDM strategies included providing shuttle service from the El Corazon project site to the nearest Sprinter station, providing sidewalks along all project roadways, and providing bike lanes on all major internal roadways and promoting and maintaining a bikeway plan. Unlike the El Corazon Specific Plan area, the Incentive District is already well-served by existing public transit services both within and adjacent to the Incentive District area. Section 3.14, *Traffic and Transportation*, of the DEIR and PRDEIR states there are two main transit centers located within the project area, which include the Oceanside Transit Center and the Coast Highway Sprinter station. The Oceanside Transit Center provides connections with the Coaster, Amtrak, Metrolink, and Sprinter train lines as well as NCTD bus routes 101, 302, 303, 313, 318, 392, and 395 and Riverside Transit Agency Route 202

and Greyhound buses. SANDAG considers the project area to be a high-quality transit corridor and a potential transit priority project area (SANDAG 2011a).<sup>8</sup>

Providing a separate shuttle service to the Oceanside Transit Center and the Coast Highway Sprinter station would be duplicative of the already existing high-quality transit services in the area. MM Incentive District AIR-2a has been clarified in Volume 3 of this FEIR to require future development project to provide sidewalks on all public street frontages and internal streets unless an equivalent or superior pedestrian path is provided within the development. The Complete Streets Improvements would provide continuous Class II striped bicycle lanes on Coast Highway from Harbor Drive to the southern City limit, which would include the entire Incentive District area. Therefore, these TDM strategies in the El Corazon Specific Plan EIR are already covered as part of the project design or by existing mitigation measures.

The El Corazon Specific Plan EIR includes a TDM strategy of promoting TDM principles such as peak hour trip reduction, staggered work hours, ride sharing, telecommuting, and the use of public transportation or other measures, as appropriate. This measure has been incorporated into Volume 3 of this FEIR as MM Incentive District AIR-2f. Also, while this comment refers to a “Dividend Account Parking system”, this type of parking system is not proposed to be included in the project at this time.

The City has identified feasible mitigation measures, including locating construction staging areas away from sensitive receptors, which have been incorporated into the FEIR in MM Incentive District AIR-1a and MM Incentive District AIR-1b.

DEIR I23-005 This comment is incorrect in stating that CARB requires a reduction of 15 percent in per capita VMT per Assembly Bill (AB) 32 (the Global Warming Solutions Act of 2006). Under AB 32, the State is required to meet 1990 GHG emission levels by 2020, which would require an approximately 15 percent reduction in GHG emissions from 2020 business-as-usual projections (CARB 2017).<sup>9</sup> However, in its Climate Change Scoping Plan, CARB shows that reductions are not expected uniformly from each emissions sector. For example, in the Initial Scoping Plan, vehicle tailpipe emission standards, energy efficiency standards, the Renewables Portfolio Standard, and the Low Carbon Fuel Standard together account for over 50 percent of the reductions (CARB 2008).<sup>10</sup> With respect to per capita VMT reduction standards, as set forth by CARB pursuant to Senate Bill (SB) 375, the GHG reduction targets set for the San Diego region as a

<sup>8</sup> SANDAG, 2011. 2050 Regional Transportation Plan, Figure 3.25, October 2011. Available: [http://www.sandag.org/uploads/2050RTP/F2050rtp\\_all.pdf](http://www.sandag.org/uploads/2050RTP/F2050rtp_all.pdf). Accessed October 23, 2017.

<sup>9</sup> CARB, 2017. 2020 Business-As-Usual (BAU) Emissions Projection 2014 Edition, June 6, 2017. Available: <https://www.arb.ca.gov/cc/inventory/data/bau.htm>. Accessed October 23, 2017.

<sup>10</sup> CARB, 2008. Climate Change Scoping Plan, Table 2, December 2008. Available: [https://www.arb.ca.gov/cc/scopingplan/document/adopted\\_scoping\\_plan.pdf](https://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf). Accessed October 23, 2017.

whole calls for a 7 percent per capita reduction by 2020, and a 13 percent per capita reduction by 2035. Under SB 375, these targets are not required on a project-by-project basis, but rather to the region as a whole.

According to the SANDAG 2050 Regional Transportation Plan, the path towards achieving the regional targets include focus housing and job growth in urbanized areas where there is existing and planned transportation infrastructure and investing in a transportation network that provides residents and workers with transportation options that reduce GHG emissions (SANDAG 2011b).<sup>11</sup> As shown in Figure 3.25 of the SANDAG 2050 Regional Transportation Plan, the Complete Street Improvements and Incentive District area are located in a high-quality transit corridor and in a potential transit priority project area (SANDAG 2011a).<sup>12</sup> Section 3.14, *Traffic and Transportation*, of the DEIR and PRDEIR states there are two main transit centers located within the project area, which include the Oceanside Transit Center and the Coast Highway Sprinter station. The Oceanside Transit Center provides connections with the Coaster, Amtrak, Metrolink, and Sprinter train lines as well as NCTD bus routes 101, 302, 303, 313, 318, 392, and 395 and Riverside Transit Agency Route 202 and Greyhound buses.

The Complete Street Improvements and Incentive District area already currently exists as a transportation-efficient area and planning for future growth in this area would be consistent with the SANDAG 2050 Regional Transportation Plan and meeting the SB 375 regional targets. The per capita VMT reduction in Incentive District area under the future with project scenario compared to the 2008 or future without project scenario does not achieve the 13 percent per capita reduction by 2035. However, this does not mean the project conflicts with SB 375. Rather, this is because the Incentive District area is already an existing high-quality transit corridor and a potential transit priority project area. In other words, the Incentive District area is where SANDAG has stated growth should occur because it is already a highly VMT efficient urbanized area “where there is existing and planned transportation infrastructure” (SANDAG 2011b). The Complete Street Improvements and Incentive District transportation improvements are intended to reduce reliance on automobile trips and to promote travel by bicycling, walking and transit. Furthermore, the Complete Streets Improvements includes an implementing project of the SANDAG Regional Transportation Plan. Table A.8 of the SANDAG 2050 Regional Transportation Plan lists a roundabout at the intersection of North Coast Highway and State Route 76 (SANDAG ID O27) (SANDAG 2011c).<sup>13</sup> For these reasons, the

<sup>11</sup> SANDAG, 2011. 2050 Regional Transportation Plan, pg. 1-3, October 2011. Available: [http://www.sandag.org/uploads/2050RTP/F2050rtp\\_all.pdf](http://www.sandag.org/uploads/2050RTP/F2050rtp_all.pdf). Accessed October 23, 2017.

<sup>12</sup> SANDAG, 2011. 2050 Regional Transportation Plan, Figure 3.25, October 2011. Available: [http://www.sandag.org/uploads/2050RTP/F2050rtp\\_all.pdf](http://www.sandag.org/uploads/2050RTP/F2050rtp_all.pdf). Accessed October 23, 2017.

<sup>13</sup> SANDAG, 2011. 2050 Regional Transportation Plan, Table A.8, October 2011. Available: [http://www.sandag.org/uploads/2050RTP/F2050rtp\\_all.pdf](http://www.sandag.org/uploads/2050RTP/F2050rtp_all.pdf). Accessed October 23, 2017.

project would not conflict with AB 32 or CARB targets with respect to per capita VMT. Additional responses to GHG-related comments raised in this letter are provided in responses DEIR I23-018, DEIR I23-019, and DEIR I23-020.

- DEIR I23-006 This comment requests additional effort to address the conclusions of the air quality analysis for cumulatively considerable net increase of a criteria pollutant and VMT. The mitigation measures identified in Section 3.2, *Air Quality*, of the DEIR would also reduce cumulative air quality impacts, which are evaluated based on the SDCAPCD thresholds in Chapter 4, *Cumulative Impacts*, in the DEIR. Furthermore, refer to response DEIR I23-004 for a discussion of feasible mitigation measures incorporated into the FEIR. Refer to response DEIR I23-005 and response DEIR I23-015 for a discussion of VMT reductions and operational emissions from vehicles with respect to per capita VMT.
- DEIR I23-007 This comment expresses concern about how a variety of building heights would be implemented with projects under the Incentive District to ensure that a wall of development wouldn't occur throughout the entirety of the Coast Highway Corridor. As discussed in Section 3.1, *Aesthetics*, of the DEIR and the PRDEIR, operation of the Incentive District would allow increased height of buildings only in Node areas with discretionary approval up to a maximum of 65 feet compared to the existing limit of 45 feet. The Incentive District would also establish regulations intended to promote high-quality urban and architectural design and variability of massing and height, emphasizing the design of the interface between the private and public realms. Therefore, as projects are submitted to the City for approval under the Incentive District, the City's planning process would ensure that building heights are varied to avoid a "canyon" effect in the Node areas.
- DEIR I23-008 This comment states that the Incentive District does not reference any future TDM or CAP provisions and recommends that these provisions be incorporated into the Incentive District. As stated in response DEIR A1-003, while the proposed project, including the Incentive District, would not have specific TDM measures required as part of its implementation, the City is fully committed to the ongoing and increased implementation of TDM measures, as appropriate, in accordance with City policies established in the Circulation Element of the General Plan and in the City's draft CAP. Specifically, the City has included Policies 4.1 through 4.10 in its Circulation Element that address the City's efforts to promote the integration of TDM programs as well as additional policies and requirements for TDM measures in the draft CAP. No revision to the Incentive District is required in response to this comment.
- DEIR I23-009 This comment states that the Carlsbad Hydrologic Unit watershed is also covered by an adopted Water Quality Improvement Plan (WQIP), which should be referenced in the DEIR. Section 3.8, *Hydrology and Water Quality*, of the DEIR states the following on page 3.8-1:

*“The project area is located within the San Diego Hydrologic Region, which is composed of 11 smaller hydrologic units that encompass most of San Diego County and parts of southwestern Riverside County and southwestern Orange County. Specifically, the project area extends across two hydrologic units, the San Luis Rey Hydrologic Unit (Unit 3.0) and the Carlsbad Hydrologic Unit (Unit 4.0). The project area is primarily located within the Carlsbad Hydrologic Unit, which includes the Loma Alta Creek and Buena Vista Creek watersheds and extends from SR-76 in the north to the city of Carlsbad in the south. A small portion of the project area located immediately north of the San Luis Rey River is located within the San Luis Rey Hydrologic Unit.”*

While the DEIR states the project area is located primarily in the Carlsbad Hydrologic Unit, this commenter is correct that Section 3.8 does not include a description of the WQIP for Carlsbad Watershed Management Area. A description of this WQIP is included in Volume 3 of this FEIR for the public record, review and consideration by the decision-makers prior to a final decision on the project.

- DEIR I23-010 This comment request that low-impact development (LID) design features be incorporated into the design of the roundabouts to optimize runoff capture and the use of road runoff for landscaping, similar to the landscaping on Mission Boulevard. This comment does not raise any issue concerning the adequacy of the DEIR and no further response is required. The City appreciates this commenter’s suggestion on incorporating LID design features into the design of the proposed roundabouts. This comment is included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I23-011 This comment states that while the DEIR concludes there would be significant and unavoidable noise impacts along Wisconsin Avenue, between Freeman Street and Ditmar Street because there is feasible mitigation for this location, this commenter proposes that the project could divert traffic, monitor land use changes to reduce average daily trips (ADT), or enforce new laws or measures that would decrease traffic noise levels. While this commenter is correct in characterizing the traffic noise impacts from the DEIR, the traffic noise analysis was revised based on the revised TIA (2018) prepared for the PRDEIR. The updated noise analysis contained in Chapter 2, *Errata*, of the PRDEIR eliminates the significant traffic noise impact along Wisconsin Avenue, between Freeman Street and Ditmar Street but concludes a significant and unavoidable traffic noise impact would occur along Michigan Avenue east of Coast Highway.

The significant and unavoidable impact along Michigan Avenue east of Coast Highway is due to a substantial increase in traffic noise levels (due primarily to the redistribution of traffic volumes from lane reduction along the Coast Highway corridor), and these impacts could not be avoided with implementation

of the project. Mitigation of implementing noise walls or other attenuation approaches are not feasible in this location, as the existing residential uses and the Saint Mary Star of the Sea School use this roadway segment for vehicle access (i.e., to effectively reduce traffic noise levels to residences noise walls would have to be continuous along the street segment, which would block vehicle access to the roadway).

The other methods suggested by this comment such as “diverting” some traffic from this road segment and monitoring land use changes to reduce the addition of any ADT along this segment would not be feasible nor consistent with the proposed project and traffic redistribution as assessed in its traffic impact analysis. No revision to the EIR is required in response to this comment.

DEIR I23-012 This comment states additional effort is needed to address and mitigate cumulative ambient noise levels associated with construction and operation of the project. Construction of the Complete Streets Improvements would occur at specific intersections near their associated receptors and at future unknown locations of redevelopment. Construction noise generated by the Complete Streets improvements and the redevelopment was determined by the analysis to not expose persons to, or generate, noise levels in excess of standards established in the local General Plan or Noise Ordinance, or applicable standards of other agencies, and therefore noise impacts would be less than significant. However, there would be the potential for a significant impact from a temporary substantial increase in ambient noise levels at receptors in proximity Complete Streets Improvements and unknown locations of future redevelopment, in which mitigation of noise barriers, required due to the noise reduction of 5 to 10 dBA provided would potentially not be feasible to implement at all locations in all cases. Therefore, overall, the impact would be significant and unavoidable.

DEIR I23-013 This comment states that the DEIR failed to discuss the potential impacts of intermittent, peak noise levels. The CEQA noise impact criteria is based on not exceeding noise standards of the local general plan noise element and noise ordinance, which for the City are based on noise levels averaged over time (one-hour or 24-hours) not peak maximum noise levels. No revision to the DEIR is required in response to this comment.

DEIR I23-014 This comment states the DEIR is unclear what would trigger the need for project-specific noise analysis studies and requests that clarification for such triggers. The EIR addresses the potential impacts of the proposed project including the potential future development at unknown locations, and therefore, does not defer CEQA analysis to the future when redevelopment might occur. No revision to the DEIR is required in response to this comment.

- DEIR I23-015 This comment states the DEIR fails to address the results of the VMT analysis and states there are additional measures to further measures to reduce VMT, as feasible. Please refer to response DEIR I14-004 for a response to this comment.
- DEIR I23-016 This comment requests further analysis of parking and propose further mitigation to address the failure to comply with the provisions of SB 743. Please refer to responses DEIR I4-007 and DEIR I14-004 for responses to this comment.
- DEIR I23-017 This comment states there are no feasible mitigation to the project’s contribution to unacceptable levels of service at Coast Hwy and Wisconsin, Vista Way, and Stewart Street and suggest designing and implementing a comprehensive and environmentally-sound Road Use Charge (RUC) Pricing and Payout System. Please refer to response DEIR I25-002 for a response to this comment. The City appreciates this commenter’s suggestion of a RUC Pricing and Payout System and thus this comment is included in the FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I23-018 This comment states that the DEIR should mandate that future projects proposed under the Incentive District undergo a consistency review with Oceanside’s CAP. As discussed in Section 3.6, *Greenhouse Gases*, of the DEIR, the City is in the process of developing its draft CAP. The purpose of the CAP planning effort is to identify how the City can do its part to achieve State GHG emission reduction goals, provide measures for the City to mitigate its GHG emissions impact, and establish a method to determine whether future actions, such as approval of development projects, are consistent with the GHG emission reduction goals. The CAP is anticipated to be adopted in 2019 and is currently still in draft form. Therefore, project consistency with the CAP cannot be evaluated at this time.
- Appendix G of the CEQA Guidelines requires an evaluation as to whether a project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. The CAP, once adopted, would represent an applicable plan, policy, or regulation for the purpose of reducing GHG emissions. Thus, the expectation that future development projects in the Incentive District would evaluate consistency with the CAP, as applicable, is a requirement of CEQA and no separate mitigation measure is required. No revision to the EIR is required in response to this comment.
- DEIR I23-019 This comment states that the project and DEIR fail to comply with General Plan policy 4.9 regarding TDM programs. Please refer to response DEIR I23-008 for a response to this comment.
- DEIR I23-020 This comment states that the DEIR has failed to provide substantial evidence that there are no other feasible mitigation measures for the project’s Contribution to a net increase in GHG emissions and mandates the future projects proposed under the Incentive District be evaluated against the City’s CAP. As discussed in response DEIR I23-018, CEQA already requires an evaluation as to whether a

project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. The draft CAP, once adopted, would represent an applicable plan, policy, or regulation for the purpose of reducing GHG emissions. Thus, the expectation that future development projects in the Incentive District would evaluate consistency with the adopted CAP, as applicable, is a requirement of CEQA and no separate mitigation measure is required. In addition, there is no CEQA or legislative mandate that jurisdictions must adopt a CAP prior to approval of projects under CEQA.

As discussed in response DEIR I23-004, response DEIR I23-005, and response DEIR I23-019, the City has identified feasible mitigation measures and TDM strategies, which have been incorporated into Volume 3 of this FEIR. Refer to these responses for a discussion of the enforceable feasible mitigation measures.

DEIR I23-021 This commenter states that an impact on emergency response times is a potentially significant unmitigated impact, provides a reference how the City of Encinitas addressed concerns related to traffic-calming measures within a FEIR on a different project, and provides additional input on how this commenter believes public service and safety concerns should be addressed in the EIR. This comment describes a specific concern that delays to emergency response that this commenter believes would occur with the implementation of the roundabouts.

The City's Fire Department has reviewed the proposed traffic-calming measures and has concluded that the proposed roundabouts have been designed to avoid affects to response times.<sup>14</sup> Response times are a multi-faceted issue as they are affected by allocation of resources, the number of calls received at any given time, the number of response units in the field, and other factors. Given this complexity and the need to remain diligent about proper design of the new intersection and roadway features proposed in the project, the Fire Department has been and would continue to be part of the design process of the Complete Streets improvements. This continued design review and analysis would ensure that the lane reduction and new roundabouts would accommodate large fire engines and not negatively affect response times. The proposed design for the Coast Highway allows for heavy vehicle radii for turning left and making U-turns. In addition, Coast Highway's center median would be constructed with low curbs to allow left turning access to fire trucks and police vehicles mid-block. For these reasons, operation of the Complete Streets improvements would not have significant impacts with regard to fire performance objectives.

While this commenter brings up a project that is stated to be similar and located in the City of Encinitas, many factors can affect the design and performance results of a project without knowing the design details of the particular project in Encinitas it is not possible, nor required, to evaluate the Encinitas project in

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<sup>14</sup> Email communication with David Parsons, Fire Captain at the Oceanside Fire Department, November 22, 2017.

relation to the proposed Coast Highway Project. As well, while the City of Encinitas may have chosen to provide a mitigation measure to address this commenters concern of appropriate review of site specific concerns, this approach is similar to what the City of Oceanside has already committed to the City of Oceanside Fire Department would continue to be a part of the more detailed design process of the Complete Streets improvements, ensuring that the lane reduction and new roundabouts are designed safety and do not negatively affect response times. As such, no additional requirements are necessary to address this commenter’s concerns related to the design of the traffic-calming features.

This commenter requests the Insurance Service Organization (ISO) ratings of fire services in the city of Oceanside and further information about potential effects on ISO ratings if the City were to have a ladder truck downtown. While this is not a comment on the DEIR and does not require a response, the City has indicated that the current ISO ratings are: Class 3 for properties within five road miles of a fire station and within 1,000 feet of a fire hydrant, and Class 9 for properties within five road miles of a fire station but beyond 1,000 feet of a fire hydrant.<sup>15</sup>

In addition to the concerns directly addressed above, this commenter also states concerns regarding the current ability of the City to meet response times and the ability to fund public facility improvements. These concerns were responded to previously in this FEIR; refer to Response to Comments DEIR I4-003 and DEIR I18-014.

In conclusion, the methodology used in the DEIR is consistent with CEQA’s impact analysis methodology, which is to identify the impacts of the proposed project on the environment. There is no requirement in CEQA to addresses how public services are currently provided or funded. The CEQA Guidelines direct that economic or social effects of a project shall not be treated as significant effects on the environment (CEQA Guidelines Section 15131(a)). Further, increases in demands on public facilities and services are not environmental impacts that must be evaluated in an EIR (*City of Hayward v Board of Trustees of Cal. State Univ. (2015) 242 CA 4<sup>th</sup> 833, Section 6.36*). Lead agencies are instructed to limit their examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published (CEQA Guidelines Sections 15125(a), 15126.2(a)).

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<sup>15</sup> Email communication with David Parsons, Fire Captain at the Oceanside Fire Department, November 22, 2017.

- DEIR I23-022 This comment states that the DEIR fails to analyze how changes in the type and amount of housing would impact the low-income residents, particularly those in the mobile home park, and the availability of lower cost visitor serving uses in the RV parking area. Please refer to response DEIR I18-002 for a response on how economic implications are not required to be analyzed in the EIR unless they result in a physical impact on the impact per CEQA Guidelines. While this comment does not raise any issue concerning the adequacy of the DEIR, the City appreciates this commenter's concern for impacts to low-income residents and thus this comment is included in the FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I23-023 This comment expresses support for the proposed project over Alternatives 1 and 2, which were identified as the environmentally superior alternatives in the DEIR, as the proposed project provides greater overall benefits to the community and is more consistent with this commenter's transportation policies. Because this comment does not raise any issue concerning the adequacy of the DEIR, a specific response is not required.
- DEIR I23-024 This comment supports the project but wants additional analysis and mitigation measures as discussed in the comments above. This comment also questions if the traffic analysis did an adequate comparison of the alternatives. The TIA (2017) contained in the DEIR and the revised TIA (2018) modeled the project and all project alternatives, excluding the No Project Alternative, using methodology that is consistent with the guidelines and requirements of the City of Oceanside, Caltrans, and SANDAG. In addition, the travel demand model used for the traffic analysis incorporates anticipated regional and local growth in population and employment for Oceanside and San Diego County as forecast by SANDAG and consistent with the Regional Transportation Plan (RTP). As shown in Section 3.14, *Transportation and Traffic*, and Chapter 5, *Alternatives*, of the PRDEIR, traffic impacts differed between the project and alternatives specific to each individual combination of project components. The DEIR concludes the significant and unavoidable traffic impacts and mitigation measures for the project and alternatives. Therefore, the traffic analysis for the project and alternatives is sufficient per CEQA. No revision to the EIR are required in response to this comment.
- DEIR I23-025 This comment provides the conclusion to this comment letter and expresses this commenter's commitment to work with the City to implement a project that meets the City's objectives and minimizes any adverse impacts. Because this comment does not raise any issue concerning the adequacy of the DEIR, a response is not required. The City appreciates this commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

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**From:** Debra Sutton [mailto:dasutton@cox.net]  
**Sent:** Monday, August 28, 2017 5:00 PM  
**To:** City Council <Council@ci.oceanside.ca.us>  
**Cc:** John Amberson <JAmberson@ci.oceanside.ca.us>  
**Subject:** NO Lane Diets and NO Developer Incentives

Dear City Council,

I do not want to give developers incentives, so I support the No Project Alternative. Unfortunately you all have left out the simple things we, the citizens of Oceanside, all wanted: safe lighted crosswalks between major intersections, shade trees and landscaping to help with the drab presence of Coast Highway and to get back on track with the rail trail so bicyclist have a safe place to ride. Pretty Simple. I personally do not like the speeding traffic on Coast Hwy nor the blight that plaques the Coast Highway Corridor, but I am not comfortable with the alternatives that are being presented. I think more studies need to be completed and feel strongly about not developing high density along the corridor like what has been done on Mission and near the Pier.

DEIR I24-1

DEIR I24-2

DEIR I24-3

Thank you,  
Debra Sutton  
1116 S. Clementine St.  
Oceanside, CA 92054

**Letter  
DEIR I24  
Response****Debra Sutton  
August 28, 2017**

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DEIR I24-001 This comment expresses support for the No Project Alternative and states that in this commenter’s opinion, the residents of Oceanside want lighted crosswalks, shade trees and landscaping, and the completion of the Rail Trail. While the completion of the Rail Trail is not included as part of the project, the other types of improvements are included as detailed in Chapter 2, *Project Description*, of the DEIR on page 2-15:

*“Construction activities associated with the Complete Streets improvements would occur within the existing right-of-way of Coast Highway and would consist primarily of restriping. Other small-scale construction activities include signal modifications, introduction of midblock crosswalks, streetscaping, and other roadway improvements, including, but not limited to, sidewalk improvements and street lighting”*

Because this comment does not raise any issue concerning the adequacy of the DEIR, a specific response is not required. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

DEIR I24-002 This comment expresses this commenter’s dislike of the speeding and blight across Coast Highway but does not agree with the alternatives that are presented in the DEIR. Because this comment does not specifically address an issue with the alternatives analysis presented in the DEIR, no specific response is required.

DEIR I24-003 This comment requests that more studies be completed for the project and disagrees with allowing higher density under the Incentive District. Because this comment does not specifically state what additional studies this commenter requests to be prepared, no specific response is required. The City appreciates This commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

August 28, 2017

John Amberson  
Transportation Planner  
Engineering Division  
City of Oceanside  
300 N. Coast Highway  
Oceanside, California 92054

Subject: Response to July 2017 “Oceanside Coast Highway Corridor Study Draft EIR”

Dear Mr. Anderson,

As a resident of South Oceanside and a member of Save South O, I am writing to express my opposition to elements of the Coast Highway Corridor proposal as described in last month’s draft Environmental Impact Report. Based on my own analysis of the 2,309-page Draft EIR, I ask that the city implement a modified version of Alternative 1, as described below.

**South O is not Downtown**

Like most of my fellow South O residents, I am opposed to any plans to reduce traffic capacity and increase density south of Oceanside Blvd. These ideas individually are not in keeping with the character of our community, and together present a contradictory approach that would degrade the quality of life in South O for residents, businesses, and visitors.

Oceanside’s downtown is unique in North County. It has the largest concentration of rail mass transit and the only pier between La Jolla and San Clemente. It is also the main tourist destination for the city, with our widest and most-visited beaches and an increasing concentration of tourist-serving businesses.

South Oceanside does not have rail transit to San Diego, Orange County or L.A., while the northwestern corner has the option of a 51-minute trip to Escondido every 30-60 minutes. For the rest of us, the only mass transit options are the twice-hourly local buses to Vista and UCSD.

Overall, South O is very different from downtown, as noted in an August 2017 story on “The Oceanside Revolution” in *San Diego* magazine. As the story reported: “There are two Oceansides: the more tourist-oriented downtown, and the local haven of South O.”

**No South O “Road Diet”**

I am adamantly opposed to any plan to modify Coast Highway south of Oceanside Boulevard, including reducing traffic lanes from 4 to 2, and replacing traffic signals with traffic circles.

As Section 5 and Appendix F of the EIR make clear, the Proposed Project (including the Road Diet) would increase congestion and traffic delays in South O. When comparing the Proposed Project and No Project projections for 2035, traffic throughput would be dramatically worsened at intersections 27 (Oceanside Blvd.), 29 (Morse), 35 (Cassidy) and 40 (Vista Way) along Coast



DEIR I25-1

DEIR I25-2

Letter regarding Oceanside Coast Highway Corridor Study Draft EIR, Page 2 of 3

Highway, as well as Ditmar Street on Vista Way. At peak times on weekdays — let alone summer weekends — access to South Oceanside would decrease to a crawl.

These traffic delays will impact

- South O residents
- Oceanside and other visitors to South O businesses
- Visitors to Cassidy Street and Buccaneer beaches
- Buses passing through South O

In addition, as someone who often crosses Coast Highway on foot or a bicycle, it would be a mistake to replace South O traffic signals at Morse and Cassidy Street with traffic circles. I am concerned about the safety of crossing Coast while depending on the ability of locals, other North County residents and visitors from LA and Arizona to navigate these unfamiliar circles. Instead, I would rather wait for traffic to come to a full stop, which has worked well for me since first came to South Oceanside more than 30 years ago.

Therefore, like the majority of South O residents, I ask that you omit all road diet and traffic circles south of Oceanside Blvd.

**No South O Incentive District**

On the one hand, the city’s proposed Incentive District has a certain logic in response to the 2012 statewide termination of all redevelopment districts. On the other hand, it is completely inappropriate for South Oceanside, and thus I ask that you drop this element of Alternative 1.

As the longtime owner (1988-2004) of an Oceanside-based business, I know that the city’s relatively affordable coastal location offers a number of advantages for entrepreneurs. Over the past decade, the South O commercial district has been enjoying a renaissance based on the private investment of local entrepreneurs, starting with the 2010 relocation of Beach Break Café to its current larger facility.

The South O area will continue to be improved through private investment over the next few years, as both business owners and customers are attracted to its local charm — more like Leucadia than Pacific Beach or Laguna Beach. The proposed Incentive District would make dramatic changes to the land use and nature of the businesses in our community, attracting businesses that do not fit the character or the desires of local businesses, residents or customers. In particular, the “Node” locations in the “dip” and particularly at the *North County Times* block would drastically increase density at locations without meaningful transit to employment centers, forcing all but college students and retirees to resort to private autos to get to their jobs.

Finally, I know that some consider the “dip” to be blighted and would like to demolish all the existing businesses. These businesses provide important services for Oceanside residents, and will gradually be upgraded as in South O and downtown as the demand from locals and visitors increases.

↑  
DEIR I25-2

DEIR I25-3

DEIR I25-4

DEIR I25-5

Letter regarding Oceanside Coast Highway Corridor Study Draft EIR, Page 3 of 3

**Other Improvements**

I favor the proposed streetscape improvements throughout the city that are part of Alternative 1.

In addition to these improvements, the South O community would like to see additional mid-block crosswalks provided south of Oceanside Blvd., similar to the (four lane) crosswalks used along Carlsbad State Beach. While others in South O would like to see multiple crosswalks, I personally believe that ones as Kelly Street and Loma Alta Creek are the most badly needed at this time.

DEIR I25-6

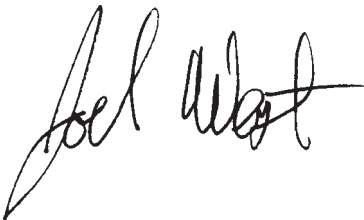
**Conclusion**

To summarize, I ask that the city implement

- Alternative 1 – no road diet or traffic circles south of Oceanside Blvd.
- Dropping any Incentive District south of Oceanside Blvd.
- Adding selected Midblock Crosswalks

DEIR I25-7

Respectfully submitted,



Joel West  
1730 Pacific Terrace  
Oceanside, CA 92054

Cc:

- Jeff Hunt, City Planner
- Mayor Jim Wood
- Deputy Mayor Chuck Lowery
- Councilmember Esther Sanchez
- Councilmember Jack Feller
- Councilmember Jerome Kern

**Letter  
DEIR I25  
Response****Joel West  
August 28, 2017**

- DEIR I25-001 This introductory comment expresses general opposition to the project and support of a modified version of Alternative 1, as detailed in the following comments. This comment also specifically opposes the reduction in traffic lanes and increase in density proposed by the project and explains that the downtown area of Oceanside is very different from South Oceanside, using rail and public transportation as the main example. Because this comment does not raise any issue concerning the adequacy of the DEIR, a specific response is not required. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.
- DEIR I25-002 This comment expresses opposition to the reduction in roadway lanes south of Oceanside Boulevard and asks that South Oceanside be excluded from the proposed Complete Streets improvements. Additionally, this comment reiterates the significant traffic impacts determined in the TIA (2017) and the DEIR. While This commenter is correct in its characterization of the significant and unavoidable traffic impacts determined in the TIA (2017) for the DEIR, new traffic impacts were determined based off the revised TIA (2018) prepared for the PRDEIR in 2018. Specifically, the revised TIA (2018) and the PRDEIR concluded that significant and unavoidable traffic impacts would occur at four intersections with project implementation based on the removal of the buildout of the Vista Way/SR-78 & I-5 Interchange Project (i.e., it excludes HOV lanes and ramps) from the traffic model.
- As discussed in Section 3.14, *Transportation and Traffic*, of the PRDEIR, all significant traffic impacts would be reduced to less than significant, with the exception of four intersections (Coast Highway and Cassidy St; Oceanside Boulevard and I-5 Southbound On-/Off-Ramps (PM peak-hour); Coast Highway and Wisconsin Avenue; and Vista Way and I-5 Southbound On-/Off-Ramps) in the Future + Project scenario due to no feasible mitigation to fully mitigate the impacts at these four locations.
- DEIR I25-003 This comment requests that the traffic signals be left in South Oceanside as this commenter feels they create safer conditions to cross Coast Highway than the proposed roundabouts. Because this comment does not raise any concern regarding the adequacy of the DEIR, a response is not required.
- DEIR I25-004 This comment states that the Incentive District would make dramatic changes to the land use and nature of the business in the coastal zone, where private investment could continue to improve the Coast Highway corridor organically

over the next few years in this commenter’s opinion. This comment does not raise any concern regarding the adequacy of the DEIR.

DEIR I25-005 This comment states that while some residents may consider the “dip” to be blighted and would like to see the existing business demolished, these businesses provide important services for Oceanside residents, and would gradually be upgraded with increased demand from locals and visitors. Because this comment does not raise any concern regarding the adequacy of the DEIR, a specific response is not required.

DEIR I25-006 This comment expresses support for the streetscaping improvements under Alternative 1 and requests that additional midblock crosswalks be provided south of Oceanside Boulevard, especially at Kelly Street and Loma Alta Creek. This comment does not raise any concern regarding the adequacy of the DEIR. The City appreciates This commenter’s input on the locations of additional midblock crosswalks.

DEIR I25-007 This conclusory comment reiterates this commenter’s support of Alternative 1, the removal of the Incentive District south of Oceanside Boulevard, and the addition of midblock crosswalks. The City appreciates This commenter for participating in the planning and environmental review process. All comments made to the City during the DEIR comment period are included in this FEIR for consideration by the City prior to making a final decision on the project.

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