300 North Coast Highway,
Oceanside, California 92054

City of Oceanside

Staff Report

File #: 25-776 **Agenda Date:** 5/21/2025 **Agenda #:** 25.

DATE: May 21, 2025

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

TITLE: **ADOPTION OF A RESOLUTION UPHOLDING THE PLANNING COMMISSION'S ACTION APPROVING THE CONSTRUCTION OF A WAREHOUSE, MANUFACTURING, AND OFFICE FACILITY WITH FOUR SEPARATE BUILDINGS AT 250 EDDIE JONES WAY - EDDIE JONES WAREHOUSE, MANUFACTURING, AND OFFICE FACILITY PROJECT - APPLICANT: RPG OCEANSIDE EDDY JONES WAY OWNER, LLC; APPELLANT: GRETCHEN GARY**

RECOMMENDATION

Staff recommends that the City Council adopt a resolution upholding Planning Commission Resolution 2025-P05 certifying the Final Environmental Impact Report and associated Mitigation Monitoring and Reporting Program and Resolution No. 2025-P04 approving Development Plan (D22-00001), Conditional Use Permit (CUP22-00001), and Variance (V22-00001) for the proposed Eddie Jones Warehouse, Manufacturing, and Office Facility Multi-Building and Truck Bay Reduction Alternative ("MBTRA") Project.

BACKGROUND AND ANALYSIS

The 31.79-acre project site is located at 250 Eddie Jones Way, immediately north of the Oceanside Municipal Airport. Situated in the Airport Neighborhood Planning Area, the site has a General Plan

Land Use Designation of Light Industrial (LI) and a corresponding zoning designation of Limited Industrial (IL). The project site is located within the Airport Influence Area (AIA) for the Oceanside Municipal Airport - Airport Land Use Compatibility Plan (ALUCP). Surrounding land use includes the San Luis Rey River and recreational trail to the north, the airport to the south, and vacant industrial land to the east and west. Single-family residential subdivisions, the Prince of Peace Abbey, and a variety of general industrial uses that include a concrete batching plant, scrap yard, and vehicle storage facility, are located on the north side of the river. Additional industrial uses and Highway 76 are located further south of the site. The project site and surrounding zoning are depicted in Figure 1.

The project site is currently vacant and was previously developed with a 172,300 square-foot industrial facility (as depicted in Figure 2 below), owned and operated by TE Connectivity, that specialized in industrial plating and electrical connector manufacturing for the defense, aerospace, and marine industry. The plant was originally constructed in 1967 by the Deutsch Company and sold to TE Connectivity in 2012. The facility was vacated and sold to the current property owner in 2021 and demolished a year later. Historical use of large quantities of hazardous substances and petroleum products in the manufacturing process has resulted in known soil contamination at the site. Soil remediation efforts have been initiated with the California Department of Toxic Substances Control (DTSC) in accordance with the California Land Reuse and Revitalization Act (CLRRA).

The applicant submitted a development application to the City on January 31, 2022. The original proposed project, as fully analyzed in the Draft Environmental Impact Report (DEIR), includes the development of a new 566,905 square-foot warehouse and distribution facility on the 31.79-acre project site with 590 parking spaces for employees/visitors, 60 truck trailer parking stalls, and 114 truck terminals. As noted below, the project was subsequently downsized and reconfigured from one building to four.

In response to public comment and comments received on the DEIR, a proposed Multi-Building and Truck Bay Reduction Alternative (MBTRA) was included and analyzed in the Final EIR (FEIR) as a variation of the Multi-Building Alternative previously evaluated in the DEIR. The proposed MBTRA introduces a four-building configuration with a reduced overall square footage from 566,905 square feet to 497,822 square feet, and a reduction in truck bays from 114 to 56. The FEIR, including the MBTRA, was released for public review on January 10, 2025, 30 days in advance of the Planning Commission hearing.

The proposed project was scheduled for consideration as a public hearing item at the Planning Commission's February 10, 2025 meeting. The City, as Lead Agency pursuant to the California Environmental Quality Act (CEQA), recommended Planning Commission consideration of the proposed MBTRA as the preferred project alternative as it would meet all but one of the project objectives while lessening potentially significant impacts associated with the project. As the preferred alternative, the staff report and staff's recommendation focused exclusively on the proposed MBTRA. During the public hearing, a significant number of community members spoke in opposition to the proposed MBTRA project, specifically noting concerns regarding the proposed trucking terminals and potential impacts related to traffic, air pollution, and noise.

In response to the concerns raised regarding the proposed trucking terminal, the Planning Commission recommended a reduction in the total number of truck bays proposed in the MBTRA project - from 56 bays to 34 bays. It should be noted that with this Planning Commission recommendation, since the project's inception, the number of truck bays has been reduced from 114 to 56 to 34, resulting in an approximate 70 percent reduction in the proposed number of truck bays from the original project analyzed in the DEIR.

After confirming the applicant was amenable to a reduction, the Planning Commission, by motion, voted 7-0 certifying the FEIR and approving the proposed MBTRA through adoption of Resolution No. 2025-P05 and 2025-P04 (Attachment 2) with amendments to Conditions 1b and 11 to reduce the number of truck bays to 34 with a caveat that the truck bays may be allocated between any of the four buildings at the discretion of the applicant.

On February 20, 2025, the Planning Commission's action was timely appealed by Gretchen Gary on behalf of Oceanside Speaks Out. The letter of appeal is included as Attachment 3.

PROJECT DESCRIPTION

The proposed MBTRA project is comprised of three entitlement requests:

Development Plan (D22-00001):

A request for a Development Plan to construct the proposed MBTRA project, consisting of an industrial warehouse, manufacturing, and office facility consisting of four separate buildings totaling 497,822 square feet and a total of 34 truck bays as modified by the Planning Commission. Each building would be designed to include mezzanines and truck bays to accommodate a variety of potential warehouse, manufacturing, distribution, and office uses. The applicant has not identified a future tenant(s) at this time. All future uses would be subject to compliance with the IL District and conditions of approval associated with this entitlement.

Table 1 - Building Summary

Building	Warehouse	Manufacturing	Office	Total Building Are
1	73,508	27,025	9,127	109,660
2	89,107	32,760	10,733	132,600
3	81,591	29,997	9,959	121,547
4	90,069	33,114	10,832	134,015
TOTAL	**334,275 SF**	**122,896 SF**	**40,651 SF**	**497,822 SF**

Access and Circulation: Access to the site would be provided from both Benet Road and Alex Road via Highway 76 and Foussat Road. Heavy trucks would be limited to the entry point on Benet Road and would access the site from Highway 76. A dedicated right-hand turn lane would be constructed at the project entrance on Benet Road to allow for deacceleration of trucks entering the site. This

feature would help ensure the north-bound travel lane remains clear for vehicles crossing the river.

Pedestrian walkways would be provided throughout the site and new pedestrian connections would be provided through the construction of 600 feet of sidewalk along the Benet Road frontage that would connect to the San Luis Rey River trail. A new sidewalk would also connect to the river trail on the Alex Road frontage.

Parking: The proposed MBTRA would provide a total of 593 parking spaces for employees and customers based on standard parking ratios for office, warehouse, and manufacturing uses. There would be 90 stalls dedicated for electric vehicle charging and 30 bike racks would also be provided onsite. Other than the proposed 34 truck bays, no additional truck trailer parking spaces would be provided onsite.

Landscaping: The proposed landscape plan would provide a total landscape area of 316,366 square feet (23-percent lot coverage). A variety of trees would be planted along the perimeter with increased tree plantings along the northern perimeter to provide additional screening for the residential neighborhood located north of the river. In addition, the proposed MBTRA would maintain the 100-foot biological buffer from the edge of the San Luis Rey River riparian habitat.

Architecture: All four buildings would be designed in a modern light industrial style incorporating concrete tilt-up panels with horizontal reveals, offset wall planes, and various window elements and façade details to create visual interest. The buildings would be painted with neutral colors with color variations in wall panels to offset wall expanses. Additionally, concrete screen walls would be located adjacent to loading bays to reduce visual impacts of the loading areas.

Project Comparison: In response to public input and comments received on the DEIR, the proposed MBTRA was incorporated into the FEIR as a variation of the “Multi-building Alternative” presented in the DEIR. The proposed MBTRA represents a reduced project intended to further mitigate potential environmental impacts and enhance compatibility with the surrounding community.

Key features that are represented in the proposed MBTRA project include:

- Reduction in total building square footage from 566,905 to 497,822 square feet
- Four multi-tenant buildings rather than one large building
- Reduction of truck bays from 114 to 56 to 34*and divided among all four buildings
- Re-orientation of the truck bays from north-south to east-west
- Removal of the 60 truck trailer parking spaces

- Proposed 19 to 20-foot high screen walls adjacent to truck terminals
- Increased tree plantings along the northern perimeter of site

TABLE 2 - Project Comparison		
Development Standard	Proposed Project (original)	Multi-Building & Reduced Truck Bay Alternative
Number of Buildings	1	4
Total Building SF	566,905	497,822
Total Truck Bays	114	**34*** ~~56~~
Truck Trailer Parking	60	0
Standard Parking	590	593
Building Height	45 feet	24-45 feet
Lot Coverage	41%	36%
Landscaping	21%	23%
Riparian Buffer	100 feet	100 feet

***Reduced number of truck bays approved by Planning Commission Resolution No. 2025-P04**

Proposed Project

MBTRA

Conditional Use Permit (CUP22-00001):

A request for a Conditional Use Permit (CUP) to allow (A) four industrial buildings for distribution and storage purposes with a floor area greater than 50,000 square-feet; and (B) truck terminals with more than six heavy trucks on the premises at one time per Article 13 of the Zoning Ordinance. The proposed MBTRA project would include four separate industrial buildings with a total warehouse area of 334,275 square feet and a total of 34 truck bays as modified by the Planning Commission. Each building would have warehouse space ranging from 73,508 square feet to 90,069 square feet. The shell design and warehouse allocation would allow flexibility to accommodate a variety of industrial

uses permitted in the IL District.

The proposed MBTRA project would orient the truck terminals in an east-west direction. Each building would include truck bays situated on interior facing elevations to fully screen the truck terminals. No truck bays would be visible from the perimeter of the site. In addition, 19 to 20-foot-high concrete screen walls would be constructed at the north and south end caps of each building to further reduce visual impacts of the truck terminals on residential properties north of the river.

Based on the conditioned number of truck bays, the site has the capacity to accommodate a maximum of 34 trucks and/or trailers at one time. The demand for trucking terminals would ultimately be determined by future tenants occupying the buildings.

Variance (V22-00001)

A variance request to construct a flood protection wall around the perimeter of the site that would exceed the maximum allowable height of eight (8) feet per Article 30 of the Zoning Ordinance is being requested by the applicant. As proposed, exterior facing wall elevations would range from 7.9 feet to 9.9 feet above the exterior grade. Interior facing wall elevations would extend up to approximately 9.5 feet in height. The flood protection wall would be constructed as a decorative masonry block wall system.

Since elevating the site above the Base Flood Elevation (BFE) would not be feasible, the applicant coordinated with the City and the Federal Emergency Management Agency (FEMA) to provide alternative floodplain mitigation. The proposed flood wall system would extend around the perimeter of the site to help protect the facility from potential flood events.

A detailed project description and full analysis is contained in the Planning Commission Staff Report dated February 10, 2025 and is included as Attachment 4 for reference.

Pursuant to Section 4605(C) of the Zoning Ordinance, the City Council may consider only the issues that were raised in the appeal filed with the City. The following is a summary of the Appellant's reasons, as understood by staff, for filing an appeal of the Planning Commission's decision to deny the project.

For ease of reference, staff has grouped the issues listed by the Appellant into categories/topical areas followed by specific issues raised in the appeal and a response from staff. The Appellant's

letter of appeal, which includes the full text of each appeal point, has been included as Attachment 3 for the City Council's reference.

ISSUE 1: Zoning Ordinance Compliance

The Appellant states:

- **Per Article 13 of the Zoning Ordinance, an industrial facility for distribution and storage shall NOT exceed 50,000 square feet and allows no more than six (6) heavy trucks allowed on the premises at one time, unless the developer applies for a Conditional Use Permit.**

- **The Planning Commission should have followed the City's established zoning regulations and limited the facility to no more than six heavy trucks at the facility at one time.**

City Response: The Appellant reiterates throughout their appeal that an industrial facility for distribution and storage exceeding 50,000 square feet and allowing more than six heavy truck trips is inconsistent with Article 13 of the Zoning Ordinance because a CUP is required. This is not the case. The fact that a particular land use requires a CUP does not render it inconsistent with a property's underlying zoning designation. As clarification, CUPs are required for use classifications having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated in a manner that ensures compatibly with adjoining properties and the larger surrounding area. A CUP simply allows for a heightened level of project review through a discretionary review process that involves a public hearing process.

The City's zoning regulations allows an applicant to pursue a CUP based on the procedures set forth in Article 41 of the Zoning Ordinance. A CUP also does not rezone a property and cannot authorize uses that the Zoning Ordinance does not contemplate for a specific underlying zone. Uses requiring a CUP are subject to the zoning requirements of the base zoning district and reviewed for compliance with all development standards. The decision-making body may approve a CUP if the use is found consistent with the General Plan, Zoning Ordinance, and other requisite findings for approval.

ISSUE 2: Conditional Use Permit for Trucking Terminals

The Appellant states:

- **The CUP only regulates the total number of truck bays and does not address the number of heavy trucks on the premises, which is confusing and inconsistent with the Zoning Ordinance.**

- **The CUP does not regulate the number of grade-level dock doors and would pave the way for a future last mile delivery hub.**

- **The resolution allows future tenants to return to the Planning Commission to request additional truck terminals with the potential for up to 114 terminals based on the analysis in the EIR.**

City Response: The Zoning Ordinance defines “trucking terminals” as storage and distribution facilities having more than six heavy trucks on the premises at a given time. A CUP is required for such facilities to ensure that trucking operations are fully evaluated and conditioned appropriately to mitigate potential impacts associated with the use. Staff has traditionally assessed trucking terminals based on the proposed number of truck bays. A facility with more than six truck bays is assumed to accommodate more than six heavy trucks on the premises at a given time and is therefore classified as a trucking terminal and subject to a CUP.

The Eddie Jones project, including the proposed trucking terminals, were evaluated in accordance with the procedures set forth in the Zoning Ordinance. The Planning Commission staff report and FEIR addressed potential impacts of the facility based on the comprehensive analysis of a warehousing, distribution, and manufacturing facility for both the original project with 114 truck bays and the proposed MBTRA with 56 terminals.

With four buildings designed for multi-tenants, it is not practical to limit the total of number of trucks on the premises. Instead, the proposed MBTRA project was specifically conditioned by the Planning Commission to limit the overall number of truck bays to a maximum of 34 to be distributed among the four buildings. In addition, the project was conditioned to prohibit any additional truck bays or truck/trailer parking spaces on the premises. All heavy trucks and trailers would be required to park at an available loading dock. With these limitations, it is assumed that no more than 34 trucks would be on the premises at a given time.

Furthermore, anticipated heavy truck trips were evaluated in the Local Transportation Study using the Institute of Transportation Engineers (ITE) standards for warehouse, distribution, and manufacturing facilities. Truck trips were calculated based on the proposed square footage of manufacturing and warehouse areas utilizing ITE land use code for Manufacturing (140) and High-Cube Transload and Short-Term Storage Warehouse (Code 154). The LTS Memorandum for the proposed MBTRA project (Appendix I-1 of FEIR) concluded that truck trips generated by the proposed MBTRA project are not

substantial relative to the capacity of the roadways or the amount of traffic. Therefore, staff finds that the 34-truck bay cap approved by the Planning Commission sufficiently addresses trucking operations associated with any future tenants.

The Zoning Ordinance does not regulate the number of grade-level loading doors accessory to industrial buildings and a CUP is not required to install these types of doors. Grade level doors are typically installed based on the needs of individual tenants and are often used for delivery of supplies and large equipment. These types of doors provide flexibility to accommodate smaller vehicles, forklifts, hand carts, and foot traffic. Grade-level loading doors are not considered trucking terminals and therefore are not regulated by the CUP.

The Appellant claims that unregulated grade-level loading doors will pave the way for future last mile delivery hubs. According to the applicant, the multi-tenant design of the proposed MBTRA project is not consistent with industry standards or conducive to the operational requirements of a last mile delivery hub. Such facilities are typically centrally located and predominately developed on single-building sites for operational efficiency. The proposed MBTRA project is also not designed to accommodate fleet parking or vehicle queuing which are common features of a delivery hub.

As noted by the Appellant, the applicant does have the ability to return to the Planning Commission and request additional truck bays through a modification to the Development Plan and Conditional Use Permit at a duly noticed public hearing. Per Article 41 of the Zoning Ordinance, an applicant may request a modification to an entitlement. While the modified project reduced the number of truck bays from 114 to 56, the EIR continued to analyze the initial project with 114 truck bays to present a more conservative approach of the project's potential environmental impacts. Any future requests to modify the number of truck bays would be subject to discretionary review and CEQA analysis. A revision to an approved project may use the previously certified EIR if found consistent with the environmental impacts analyzed in the FEIR.

Issue 3: Land Use Compatibility

The Appellant states:

- **The four building footprint will be 288% larger than the previous TE Connectivity facility and will consume all 31.79 acres of land.**

- **The proposed MBTRA project will dwarf other structures in the San Luis Rey River valley and destroy both the perspective and appeal of the San Luis Rey River and Mission San Luis Rey.**

- **The overall magnitude of the project in not consistent nor compatible with the size of existing development in the vicinity and buildings of historical significance**

City Response: The project site is located in an industrially zoned area adjacent to the Oceanside Municipal Airport. The proposed MBTRA project was designed in compliance with the regulations of the Zoning Ordinance and is consistent with the design and scale of adjacent industrial uses in the Airport Neighborhood. While the proposed MBTRA project does represent a significant increase in building area compared to the previous manufacturing facility, the project fully complies with development standards of the Limited Industrial District. The 497,882 square foot facility has a total lot coverage of 36 percent which is below the maximum lot coverage of 75 percent in the IL. The project also includes 23 percent landscape coverage with enhanced landscaping adjacent to the river.

The project was also designed in compliance with the Oceanside Municipal Airport - Airport Land Use Compatibility Plan (ALUCP), including height limitations, as documented by the determination of consistency from Airport Land Use Commission for San Diego County. Light industrial uses are compatible with the airport and align with the ALUCP objective to protect the airport from incompatible uses that may hinder airport operations.

The Appellant did not specify how the project would impact buildings of historical significance and known historical buildings are not within the vicinity of the project site. As documented in the Final EIR, the proposed MBTRA project would not result in impacts related to historical resources, or to aesthetics and visual resources in the area.

Issue 4: Comparison to Other Industrial Projects

The Appellant states:

- **The applicant's comparison to other industrial projects, such as La Pacifica in Ocean Ranch, is oversimplified because those projects are located in an area with similar sized buildings and not adjacent to a residential community.**

- **La Pacifica is not adjacent to family oriented activities such as the San Luis Rey River Trail and Prince Skate park. The Eddie Jones project poses a danger to bicycles and skateboarders.**

- **The project site does not have adequate access for emergency vehicles and**

evacuations compared to other industrial parks, such as Ocean Ranch, that have multiple access points located in the middle of a typical grid pattern of established city streets.

City Response: For comparison purposes to the proposed MBTRA project, the applicant provided the Planning Commission examples of similar sized industrial buildings with trucking terminals to demonstrate the operational characteristics of facilities designed for warehousing, distribution, and manufacturing. An example included La Pacifica in Ocean Ranch which consists of three multi-tenant buildings and 103 truck bays. The applicant's traffic engineer analyzed actual operations at La Pacifica and concluded that truck trips were generated at a lower trip rate than what was analyzed for the Eddie Jones project even though La Pacifica has more truck bays.

The Appellant asserts that the comparison was oversimplified because those developments are located in industrial parks and not adjacent to residential communities. Ocean Ranch and the adjacent Pacific Coast Business Park are both zoned for light industrial and developed with a variety of industrial uses. Many of the buildings exceed 50,000 square feet of building area dedicated for wholesaling, distribution, and storage and have multiple truck bays. Both parks are located in close proximity to residential subdivisions in Rancho Del Oro and Ivy Ranch.

A comparison to other industrial projects in the City is not a requisite finding for approval of a CUP and was not analyzed in the Planning Commission staff report. However, the comparison by the applicant does demonstrate the compatibility of existing limited industrial uses located as close as 180-325 feet from existing residences in the case of Pacific Coast Business Park at Old Grove Road and College Boulevard.

While the project site is not within an established industrial park, the site has an industrial land use designation, was previously developed with an industrial manufacturing facility, and is adjacent to an airport and other existing industrial uses developed with an industrial manufacturing facility. The project site is adequately buffered from adjacent residential uses by the San Luis Rey River.

Furthermore, the project site does have multiple access points similar to other industrial areas. Benet Road is designated as a collector road serving both residential, institutional, and industrial uses on both sides of the San Luis Rey River. Unlike Ocean Ranch, the site has direct access to Highway 76 without the need for trucks to travel through residential areas. The proposed MBTRA project was conditioned to restrict heavy truck access north of the project site to Benet Road and Alex Road.

Issue 5: Design Alternatives

- **The Appellant states the project should be designed to align with the size and operations similar to existing industrial facilities without trucking terminals such as Oceanside Gateway Business Park at Oceanside Boulevard and Ord Way or other industrial buildings located south of the airport and across Highway 76.**

City Response: In compliance with CEQA, the FEIR evaluated a reasonable range of project alternatives. The appeal point appears to represent the Appellant's individual preference for projects similar to Oceanside Gateway and industrial parks south of the airport rather than substantial evidence that the proposed MBTRA project fails to meet applicable regulatory requirements. Furthermore, the applicant's traffic engineer indicated that business parks, such as Oceanside Gateway, typically generate 52-percent more vehicle trips per square foot of use based on the ITE code for Business Park compared to the ITE category used for the proposed MBTRA project traffic analysis.

Issue 6: Traffic

The Appellant states:

- **Traffic from the project on Benet Road and Alex Road, combined with OceanKamp and planned roundabouts, poses a danger to tourists, pedestrians, cyclists, and skateboarders using the San Luis Rey River Trail and Prince Skate Park.**

Staff Response: The proposed MBTRA project is conditioned to restrict heavy truck access on Alex Road and north of the project site on Benet Road. The project would also construct new sidewalk along the Benet Road project frontage and the Alex Road entrance that would connect to the San Luis Rey River trail. Alex Road is an existing public street and previously served as the primary access point for the former TE Connectivity manufacturing facility. All road improvements associated with Ocean Kamp would be completed in accordance with the City Engineering Manual standards and per the conditions of approval for that project.

The FEIR fully evaluated the project in accordance with City policies and disclosed potential environmental impacts related to hazards from traffic and circulation, including the river trail and the skate park. Section 4.14.4 (Traffic and Circulation) of the DEIR concluded that the proposed project would not substantially increase hazards due to a geometric design feature or incompatible uses and impacts would be less than significant. Cumulative impacts associated with Ocean Kamp were also analyzed in the FEIR and traffic analysis for near term Level of Service (LOS) and the horizon year analysis. There is no evidence that vehicle trips from the proposed MBTRA project would pose

additional danger or risks to users of the San Luis River Trail and Prince Skate Park through the use of the existing roadway network.

- **The project would generate 11 truck trips per hour during peak morning commute which is equivalent to one truck every six minutes waiting at the intersection of Highway 76 and Benet Road with four minute light cycles.**

City Response: The truck trips generated by the proposed MBTRA project are not substantial relative to the capacity of the roadways or the amount of traffic. Based on the traffic analysis, at the single busiest hour in the afternoon peak, there would be three trucks coming in and four trucks going out of the project site. At the single busiest hour in the morning there would be six trucks coming into the site and five trucks leaving. For perspective about the relatively small amount of truck trips, the FEIR discloses that Benet Road is a facility that will serve more than 4,600 vehicles per day, and the relevant segment of Highway 76 will serve more than 60,000 vehicles per day without the proposed MBTRA project traffic. For comparison, the intersection of Highway 76 at Benet Road has an AM peak hour volume of 3,677 and a PM peak hour volume of 3,713. The proposed MBTRA project would increase the existing AM peak hour volume by 0.3% with 11 trucks and the existing PM peak hour volume by 0.2% with seven trucks. Both increases represent a nominal amount compared to existing volumes.

The Appeal also misstates the Caltrans traffic signal cycle at Benet and Highway 76, which according to Caltrans' traffic signal timing data, is between 2.67 and 3.33 minutes, not 4 minutes. Contrary to the appeal point, the LTS and the FEIR applied the City methodology of using actual traffic signal cycle lengths for its analysis. Thus, the FEIR properly evaluated the relevant impacts of the proposed MBTRA project.

- **The project will generate 1,286 ADT and will change the LOS for the intersection of Benet Road and Highway 76 from a LOS D to an LOS F and create a domino effect of additional traffic and congestion on Highway 76.**

- **Project should be denied because Caltrans has confirmed there are no future Caltrans funds earmarked for any road or traffic improvements at the intersection of Highway 76 and Benet Road.**

- **The City's Circulation Element includes an objective for acceptable level of service (LOS) Grade D or better on an average daily basis. The project would contribute to a failing intersection.**

City Response: The LTS and FEIR fully evaluated the original project's (114 truck bay) contributions to LOS and concluded that the original project would not cause any intersection or roadway to drop below LOS D. In the near term and horizon year (2030) conditions, the original project would

contribute trips to intersections/segments that would operate at LOS E or F even without the project. As reflected in LTS Memorandum for the proposed MBTRA project (Appendix I-1 of FEIR), the proposed MBTRA project would generate fewer trips than the original project, thereby resulting in less potential traffic delay.

The LTS properly applied the City Traffic Guidelines that require the non-CEQA analysis of roadway operations (traffic delay). The proposed project would contribute traffic to the failing SR-76/Benet Rd intersection. It is acknowledged that Caltrans does not have plans or funds for traffic improvements at the intersection of Highway 76/Benet Rd. Consistent with the City's Traffic Guidelines, the LTS identified an improvement that could enhance operations at that intersection. As the proposed MBTRA project is only a partial contributor to the need for that improvement, the LTS identified a fair share contribution toward that improvement. The project was conditioned to pay a fair share payment to the City to be used at the City's discretion for projects that would improve traffic safety and mobility in the City.

As CEQA Guidelines Section 15064.3 states "a project's effect on automobile delay shall not constitute a significant environmental impact." The approach identified in the LTS complies with the City Traffic Guidelines and nothing further is required.

- **The mathematical model used for the project's traffic analysis is oversimplified by equating one truck to two passenger vehicles and doesn't take into account variables such as varying lengths and weight of trucks which impact truck movement and light cycle delays at Highway 76 and Benet Road.**

City Response: The LTS properly applied the City's Traffic Guidelines that require use of the Highway Capacity Manual (HCM). The HCM serves as a primary source document embodying research findings on capacity and level of service and presenting methods for analyzing the operations of streets and highways and pedestrian and bicycle facilities. The manual is used to evaluate complex transportation systems that serve a variety of users and travel modes. The appeal point fails to recognize that the HCM was developed using real world information, synthesized by recognized experts in the transportation field. The HCM analytics account for weight and length of trucks operating on the roadways utilizing an average weight of 53,500 lbs. and average length of 69 feet for a Class 9 heavy vehicle, which is the largest anticipated 18-wheeler semi-truck to use the project site.

The HCM also states, "Unless the highway operating agency imposes different speed limits for trucks and passenger cars, trucks can usually move at the same speeds as passenger cars in level terrain." Therefore, the methodology used in the LTS properly accounted for heavy truck trips associated with the project.

- **The proposed fair share payment in the amount of $50,000 to the City's Thoroughfare and Signal Account is a low number compared to the annual wear and tear City streets will incur from the project's 140 daily truck trips with a project total of 1,286 ADT**

City Response: Consistent with the City's Traffic Guidelines, the LTS identified a turn lane improvement that could improve operations at the intersection of Highway 76 and Benet Road. As a partial contributor to the need for the improvement, the LTS identified a fair share contribution of 8.5 percent towards the cost of completion. The proposed project is conditioned to pay a fair share payment to the City in the amount of $49,595 to be used at the City's discretion for projects that would improve traffic safety and mobility in the City. Fair share payments and development impact fees paid into the City's Thoroughfare and Signal Account do not fund road maintenance.

Issue 7: VMT Analysis and TDM

- **The FEIR Response to Comments (RTC) on page 97 states "Consistent with the City's formally adopted VMT standards the DEIR uses SANDAG's employee VMT by census tract. This is misleading because the drivers of heavy trucks and cargo vans accessing the site are not employees and consequently not included in the VMT analysis and GHG emissions.**

- **Mitigation measures to reduce VMT do not address drivers of heavy trucks and cargo vans traveling to/from the distribution warehouse.**

City Response: This same comment was raised during the DEIR's public comment period and addressed in RTC O3-13. A VMT analysis conducted using applicable City and State standards, recognizes that the VMT associated with non-employee based vehicles are already accounted for as VMT assigned to the origin location of those vehicles. VMT attributable to non-employee "goods moving vehicles" does not get assigned to the goods delivery/pick up location. The appeal improperly requests an over counting (perhaps a double, triple or greater counting) of "goods moving vehicles" with its contention that every location a "goods moving vehicle" might visit must include that vehicle in its VMT count. As non-employee based "goods moving vehicles" could visit multiple locations, an analysis of the kind requested by the appeal would present an inaccurate and misleading VMT estimation that is contrary to the informed decision making purpose of CEQA. As addressed here and in the responses to comments, the FEIR's methodology conforms with the applicable evaluation standards so no further analysis of the Appellant's erroneous VMT argument is required.

- **The Appellant states that the applicant failed to provide a TDM plan which is essential for full disclosure of transportation impacts and leaves CAP compliance unknown**

City Response: The City's transportation demand management (TDM) ordinance is a CAP implementation measure (TL5) with the objective to reduce greenhouse gas (GHG) emissions from single-occupancy vehicle (SOV) commuting. Through TDM, employers can encourage their employees to choose alternatives to SOV commuting with TDM measures such as rideshare incentives, transit passes, telework, and locker rooms with showers to encourage walking or biking to work. Per Article 30 of the Zoning Ordinance, new non-residential development that generates more than 50 daily employee trips must prepare and implement a TDM plan within 12 months of full occupancy.

An applicant is not required prepare a draft TDM during the entitlement process because specific tenants and the total number of employees are not always known prior to project construction. The City's TDM ordinance was designed to allow developers and business owners to choose measures best suited to their operations, employees, location, etc. The proposed MBTRA project is conditioned to prepare a TDM plan prior to building occupancy and implement it within 12 months of full occupancy. Further, contrary to the appeal point, a TDM plan is not essential for full disclosure of transportation impacts. It is a tool for reducing GHG emissions from SOV commuting. Project specific transportation impacts were analyzed in the LTS (non-CEQA) and the VMT Analysis (CEQA).

Issue 8: Compliance with AB 98

- **The Appellant states that AB 98, which was signed into law on September 29, 2024, mandates environmental and community health protections for warehouses larger than 250,000 square feet, requires cities to update their circulation elements to identify truck routes, and prohibits agencies from approving warehouse projects under certain criteria.**

City Response: AB 98 imposes new design and build standards for certain warehouse developments and has an effective date of January 1, 2026. Specific exemptions are provided for AB 98 including, "*projects subject to a commenced local entitlement process prior to September 30, 2024."* The proposed MBTRA project qualifies for this exemption as the original entitlement application was submitted to the City of Oceanside in January 2022.

Issue 9: Biological Resources

The Appellant states:

- **The City should have required protocol surveys for endangered bird species Least Bell's Vireo because of breeding habitat adjacent to the San Luis River.**

City Response: The Appellant argues that the City should have required protocol surveys for least Bell's vireo in the Biological Technical Report (BTR) and FEIR based on a recommendation in the California Department of Fish and Wildlife's (CDFW) DEIR comment letter. Biological resource experts (Dudek) performed a site-specific biological resource survey of the project site. Specific to the least Bell's vireo, location information within the BTR was derived from CDFW and USFWS known occurrence data. CDFW occurrence data lists the closest known least Bell's vireo occurrence as 1.4 miles to the east of the Project site and the second closest occurrence data as 1.5 miles east.

Regardless, the FEIR discloses that least Bell's vireo may exist in the vicinity of the project site, particularly along the San Luis Rey River. The BTR and FEIR also disclose that the project site is previously disturbed and that no least Bell's vireo habitat exists on-site. The absence of least Bell's vireo protocol surveys is disclosed and explained in the DEIR and CDFW's comment A1-7 acknowledged the absence of protocol surveys and accepted the lack of a survey. The CDFW comment recognizes that the development's 100-foot riparian buffer is biologically appropriate and, with the mitigation measures and compliance with applicable laws, it is sufficient to support the less than significant determination regarding the least Bell's vireo. Thus, as disclosed in the FEIR and acknowledged by CDFW, protocol surveys for least Bell's vireo are not required or needed to provide substantial evidence to support the determination that the proposed MBTRA project would have less than significant impacts with mitigation as it relates to the least Bell's vireo.

Special Status Species protocol surveys were not required as part of the BTR because, in large part, there is no suitable habitat within the project site that would support special status species. The combination of mitigation measures, project design features, and compliance with required laws are sufficient to bring potential proposed MBTRA project impacts to less than significant.

- **The site is located within the Oceanside Subarea Plan's Wildlife Corridor Planning Zone meant to protect the Coastal California Gnatcatcher. US Fish and Wildlife commented on the EIR and recommended 50 percent of the project site should be conserved as open space to adhere to the Subarea Plan.**

The appeal relies on a statement in the U.S. Fish and Wildlife Service (USFWS) DEIR public comment letter regarding potential gnatcatcher dispersal to support the arguments regarding the WCPZ. The substance of the USFWS comment letter was previously addressed in the FEIR at RTC A4-10 and A4-12. As the FEIR demonstrates, the USFWS letter's citation regarding the WCPZ did not include all relevant text. As explained, Section 5.3.1.1 of the draft Subarea Plan states that the

General Development Standards for projects within the WCPZ that limit removal of native habitat and conservation of property apply to undeveloped properties. Because of the lack of native habitat on site and the previously developed and disturbed nature of the property, from a biological perspective and as detailed in the FEIR, the property provides poor dispersal habitat for gnatcatchers. Further, as a project design feature, the proposed MBTRA project includes revegetation within the 0.85 acres of the project site located within the draft Subarea Plan's 100-foot buffer from the San Luis Rey River. Thus, the proposed MBTRA project does not conflict with the relevant provisions of the draft Subarea Plan and the FEIR adequately described and disclosed the lack of a potentially significant impact related to the WCPZ.

- **All wildlife and habitat in the San Luis Rey River will be severely affected by traffic, noise, exterior lighting, including truck headlights that will disrupt nocturnal animals.**

City Response: The appeal point does not acknowledge the analysis in the FEIR related to traffic, noise, and lighting. Regarding lighting, the project was conditioned that all outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and shall be fully shielded. Regulatory requirements and/or project design features require lighting be directed down and away from the San Luis Rey River and maintain the 100-foot buffer from the San Luis Rey River. Those elements are also consistent with the edge effect provisions of the draft Subarea Plan and, as the project record and findings demonstrate, the proposed MBTRA project does not conflict with the Multiple Habitat Conservation Program and the draft Subarea Plan. Additionally, the project design includes a solid perimeter floodwall around the site. The wall would vary in height, with exterior-facing wall elevations ranging from 3.5 feet to 9.2 feet above the exterior grade and interior-grade facing wall elevations up to 9.4 feet in height. Thus, the floodwall would serve as a screening element for lighting from the on-site uses and parking areas. Coupling that with the proposed MBTRA project's landscape buffer along the northern boundary of the site and the absence of parking spaces along the northern perimeter of the proposed MBTRA project, headlight impacts to sensitive species due to car and truck use would be a less than significant impact. Thus, as the findings adopted by the Planning Commission demonstrate, with imposition of MM-BIO-1 through MM-BIO-4, and compliance with the project design features and regulatory requirements, the proposed MBTRA project would have less than significant biological resource impacts.

Issue 10: Cultural Resources

- **The Appellant acknowledges the historical and cultural significance of the project area to the Luiseno and states that new development will likely encounter Luiseno cultural material.**

City Response: In accordance with law, the City conducted AB 52 consultation with the San Luis Rey Band of Mission Indians, the Rincon Band of Luiseño Indians, and the San Pasqual Band of Mission Indians regarding project impacts and tribal cultural resources (TCR). As provided in the

FEIR, mitigation measures MM-CUL-1 through MM-CUL-9 would ensure that potential impacts to TCRs would remain less than significant. Mitigation requires the applicant to enter into a pre-excavation and tribal monitoring agreement and have a qualified Native American monitor onsite during all ground disturbing activities.

Issue 11: Air Quality

The Appellant states:

- **The cliff lined San Luis Rey (SLR) Valley channels and holds air pollutants. The use of "daily thresholds of significance in the FEIR does not fully characterize air quality impacts in the SLR Valley and should have been measured as a concentration of various air pollutants based on factors such as proximity to pollution generating businesses and weather conditions**

City Response: The Appellant argues that the FEIR should have performed analysis of air pollutant concentrations, also referred to as air dispersion modeling. As provided in the FEIR, the pollutant concentration methodology and air dispersion modeling requested by the Appellant is not required for the project under the relevant San Diego Air Pollution Control District (SDAPCD) rules and regulations. The FEIR concluded that the construction and operation of the proposed MBTRA project would not result in emissions that exceed SDAPCD's emissions thresholds for any criteria air pollutants identified in SDAPCD Air Quality Significant Thresholds. Under the applicable standards, the FEIR properly used the daily emission standards analysis as a foundation for its significant impact determination analysis. CEQA does not require use of the pollutant concentration methodology for the original project or the proposed MBTRA project.

Where appropriate, the FEIR used AEROMOD air dispersion modeling that includes local meteorological and actual terrain data to perform the Health Risk Assessment (HRA) modeling analyses. Contrary to the Appellant's argument, daily emissions from the proposed MBTRA project are typical and not impacted by what the Appellant describes as a cliff lined valley with the ability to channel and hold air pollutants. The Appellant's assertion that the local area would result in channeling and holding of air pollutants is not supported by substantial evidence. As noted, in reaching the CEQA significance determinations regarding air quality, the methodology used in the FEIR appropriately took into consideration area topography, meteorological conditions, and other relevant factors related to the proposed MBTRA project and the surrounding area.

- **A UC Davis study shows new evidence that air pollution from warehouse distribution complexes contribute to the production of ozone and also result in significant health risks for people living in the area, including increased rates of asthma and cognitive**

disorders in children.

- **The EIR did not adequately address cumulative effects of various emissions/pollutants from diesel engine trucks.**

City Response: The referenced UC Davis study was an article written by an undergraduate student and is not a scientific, peer reviewed paper prepared by an air quality expert and does not present any research, data, or analysis specific to the proposed MBTRA project or the analysis provided in the FEIR. The Appellant's speculations about ozone concentrations does not present a credible, evidence-based analysis to support the appeal's contention that the proposed MBTRA project would have significant adverse health impacts due to ozone emissions.

An HRA was performed to assess the impact of construction and operation on sensitive receptors located proximate to the project site. The HRA used methodologies prescribed in the Office of Environmental Health Hazard Assessment (OEHHA) document, Air Toxics Hot Spots Program Risk Assessment Guidelines - Guidance Manual for Preparation of Health Risk Assessments (OEHHA Guidelines) (OEHHA 2015). The HRA included within the FEIR was performed in accordance with that guidance.

Using air dispersion modeling, as described in the FEIR, health effects from carcinogenic air toxics are usually described in terms of cancer risk and the SDAPCD recommends a carcinogenic (cancer) risk threshold of 10 in one million. Within this analysis, noncarcinogenic exposures of less than 1.0 are considered less than significant. Unlike with the criteria pollutants, these risk exposures are evaluated as a concentration threshold that makes the air dispersion modeling appropriate. The FEIR's HRA includes air dispersion modeling of diesel particulate matter (DPM) using the American Meteorological Society/EPA Regulatory Model (AERMOD), which is the model SDAPCD requires for atmospheric dispersion of emissions. A three-year meteorological dataset for the Camp Pendleton Station, the closest and most relevant air monitoring station for the Project site, was obtained from SDAPCD for use in AERMOD. Digital elevation model files that provide actual ground elevations at the project site and surrounding area were imported into AERMOD, which enabled the evaluation of actual terrain features and elevations assigned to the emission sources and receptors.

With respect to the Appellant's arguments about health effects of diesel particulate matter emissions (DPM), detailed modeling of construction and operational DPM emission impacts on nearby sensitive receptors were appropriately performed for the FEIR. FEIR Section 4.2 discloses that exposure to small amounts of lead from a variety of sources can accumulate to harmful levels. Effects from inhalation of lead near the level of the ambient air quality standard include impaired blood formation and nerve conduction. Lead can adversely affect the nervous, reproductive, digestive, immune, and blood-forming systems." Table 4.2-1 identifies the ambient air quality standards for lead and notes that California treats lead as a toxic air contaminant. As shown in Table 4.2.2, the San Diego Air

Basin has achieved attainment for lead under Federal and State standards for lead emissions.

With the above context and relevant to the appeal, diesel fuel has not contained lead since the EPA prohibited lead fuels effective January 1, 1996 and the proposed MBTRA project would not emit lead air emissions. The FEIR's health risk assessment evaluated the potential for DPM from the proposed MBTRA project to have adverse health impacts on sensitive receptors in the vicinity of the proposed MBTRA project. That analysis demonstrates that impacts would not exceed the established thresholds for cancer risk or the Chronic Hazard Index. Therefore, the proposed MBTRA project would not result in lead, DPM or other emissions that contribute to adverse health effects or an exceedance of any applicable lead related standards.

The appeal also contends that the FEIR did not adequately analyze impacts related to ozone and it speculates about potential health effects of lead and DPM due to the project's proximity to the Oceanside Municipal Airport. As discussed in the FEIR, to comply with State law, the SDAPCD must prepare an updated State Ozone Attainment Plan ("Regional Air Quality Strategy" or RAQS) to identify possible new actions to further reduce emissions. The RAQS identifies measures to reduce emissions from sources regulated by SDAPCD, primarily stationary sources such as industrial operations and manufacturing facilities. As stated in the 2022 RAQS, SDAPCD has made extensive progress in improving air quality throughout San Diego County, while population, VMT, and economic output of the region have significantly increased. For context, the region's overall exposure to ozone air pollution and associated risks to public health and welfare have also decreased.

The FEIR explains that ozone, or O^3, is not a criteria pollutant of its own regulated by SDAPCD. Rather, SDAPCD's standards address the constituent elements of ozone as ozone is formed through the reaction of VOCs and NOx with sunlight. Thus, as specified in the RAQS adopted to achieve attainment with Federal and State ozone standards, SDAPCD relies on the projects achieving VOCs and NOx emissions at levels less than the thresholds and a variety of rules adopted to achieve the needed reductions. As FEIR Table 4.2-8 demonstrates, operational project emissions are a small fraction of the maximum emissions for VOCs and NOx. Table 4.2-7 illustrates that the short-term construction emissions would also be below those maximums with mitigation incorporated. The FEIR provides substantial evidence supporting the determination that the proposed MBTRA project conforms to the applicable air quality plans and that the proposed MBTRA project would have less than significant impacts related to emissions of ozone and the other applicable criteria pollutants.

- **Diesel particulate matter, combined with airborne lead bromine from the airport, can increase the local exposure to lead by increasing the settling of the combined, agglomerated particles.**

- **Has a truck terminal ever been located so close to an active runway of an airport using leaded fuel?**

City Response: The Appellant relies on the theoretical possibility of particle agglomeration of aircraft emitted lead emissions with proposed MBTRA project related diesel truck emissions and acknowledged that such phenomenon is speculative. The Appellant attempts to apply the concept of lead particulate agglomeration to the proposed MBTRA project lack credibility. Agglomeration refers to the chemical process where fine particles combine and are bonded together to form larger particles. The appeal acknowledges that “developing predictions for the agglomeration process is a difficult problem” and would depend on humidity, the time particles are in proximity, and temperature. The Appellant fails to disclose that the potential for agglomeration to occur would also be dependent on numerous other factors including distance, wind direction, and the specific physicochemical features of DPM and lead containing particles emitted.

As described in Particulate Measurements, by Heinz Burtscher and W. Addy Majewski, DPM is a complex mixture characterized by widely changing chemical composition and physical properties. The properties of DPM depend on a variety of other factors including the fuel, engine technology, operating conditions, and exhaust aftertreatment. DPM also changes with time, as the particulates undergo transformation once released in the atmosphere. Examples of such transformation include particle coagulation, evaporation and/or condensation of volatile compounds. As agglomeration can only occur if specific circumstances and conditions are met, it is speculative at best whether agglomeration would or could ever occur between the proposed MBTRA project-generated DPM and aircraft related lead emissions.

The appeal’s speculation about lead impacts is based on a false premise that the proposed MBTRA project is unprecedented in locating a warehouse/industrial facility with trucking operations near an airport. To the contrary, warehouse and other industrial operations of those types are commonly located adjacent and nearby airports to allow for the efficient transition of air freight delivery to ground transportation. Examples include Sonoma County Airport, Hollywood Burbank Airport, Ontario International Airport, San Bernardino International Airport, and Long Beach Airport. Lead is also being phased out of Aviation Gas. California Gov. Gavin Newsom signed into law SB 1193, a ban on leaded aviation gasoline that comes into effect on January 1, 2031.

- **The FEIR mistakenly used an old version of CalEEMod (2020.4.0) rather than CalEEMod (2022.1.29) which covers climate risks, environmental burdens, health, and equity impact.**

City Response: The FEIR’s air quality analysis was prepared by experts in the field using Version 2020.4.0, the most current and approved version of CalEEMod available at the time the EIR Notice of Preparation was published. The methodology used to study Air Quality was proper and satisfies CEQA’s mandate to provide a good faith effort at full disclosure of the project’s potentially significant impact. It is true that CalEEMod continues to be updated and as time passes newer versions are released that may contain new features and data. CalEEMod Version 2022.1 has been revised to

expand its core functionality beyond just emissions quantification to include climate risk and health and equity analysis.

- **The FEIR fails to adequately respond to the AERMOD results showing levels of cumulative NOx and PM10 exceeding air quality standards.**

City Response: SDAPCD relies on the projects achieving VOCs and NOx emissions at levels less than the thresholds identified in Table 1 and a variety of rules adopted to achieve the needed reductions. As FEIR Table 4.2-8 demonstrates, operational project emissions are a small fraction of the maximum emissions for VOCs and NOx and Table 4.2-7 illustrates that the short-term construction emissions are also below those maximums, with mitigation incorporated. The FEIR provides substantial evidence supporting the determination that the proposed MBTRA project conforms to the applicable air quality plans and that the proposed MBTRA project would have less than significant impacts related to emissions of ozone and the other applicable criteria pollutants.

- **The DEIR/FEIR provided background information on air quality standards, prevailing local air quality, and project emissions, but did not translate the impact of project emissions on local air quality or how it compares against air quality standards and prevailing air quality.**

City Response: The Appellant contends that the FEIR failed to adequately explain the connection between project emissions and ambient air quality standards. As the FEIR explained, the SDAPCD adopted thresholds were developed to assure the San Diego Air Basin's (SDAB) compliance with the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). The NAAQS and CAAQS were respectively adopted and exist to protect public health. The FEIR specifically discusses the project's health effects relative to criteria air pollutants and toxic air contaminants (TAC) under FEIR Section 4.2. As stated, after implementation of mitigation measure MM-AQ-1, neither construction nor operation of the project nor the proposed MBTRA project would result in significant impacts. Therefore, the FEIR provided the analysis required to meet the "good faith effort" pursuant to CEQA and affords full disclosure about the air quality impacts of the proposed MBTRA project, including those related to potential adverse effects to human health.

The Appellant argues for use of an inapplicable methodology and technically flawed analysis. Contrary to the appeal's contention, the FEIR responded to those same arguments in Responses to Comments such as I60-38, and I60-43 through I60-46. The supposed technical analysis presented in Exhibit K to the appeal does not provide sufficient modeling details to support its contentions, nor does the information provided demonstrate that the calculations offered relied on SDAPCD's guidance. In fact, based on the information provided, the opinions and conclusions offered by the Appellant are not technically correct or supported by substantial evidence.

Issue 12: Environmental Justice

- **The project site and areas to the east and south of the site have high poverty rates and have historically suffered a disproportionate burden of industry and pollution. The project will exasperate social and economic inequalities, increase health risks, and hinder business investment.**

City Response: Under California law (SB 1000), cities must address environmental justice by developing policies that affect disadvantaged communities that experience a high level of pollution, socioeconomic stress, and health impacts. Disadvantaged communities are identified using the state's CalEnviroScreen mapping which assigns scores to each census tract based on exposure to pollution and socioeconomic factors. A disadvantaged community is defined as one which scores in the top 25th percentile of CalEnviroScreen's Cumulative Score.

The City of Oceanside does not have any census tracts that qualify as disadvantaged communities per SB 1000. The project site is situated in the 72 percentile (Tract 186.03), residential areas north of the river are situated in the 45 percentile (Tract 186.01), and residential areas to the east are situated in the 31 percentile (Tract 186,14). While Census Tract 186.03 does have neighborhoods with higher rates of poverty as documented in the City's Housing Element, the project site is not located in the vicinity of such neighborhoods.

The project site is located adjacent to an existing airport, with industrial zoned land located to the south and east. The San Luis Rey River provides a natural buffer from the residential area north of the river, which is not identified as an area with high poverty. As provided in the previous air quality responses, the FEIR, air quality study, and HRA concluded that impacts to air quality and sensitive receptors were less than significant, with mitigation incorporated.

Issue 13: Noise

The Appellant states:

- **Unique topography of San Luis Rey River amplifies sound waves out of the valley.**

City Response: Without providing relevant supporting evidence, the Appellant argues that the topography surrounding the Project features "cliff-sides" and/or a "bowl" that will amplify sound in a way not adequately addressed by the FEIR. The actual terrain does not match that description nor is the Appellant's argument about sound amplification supported by the scientific principles of sound propagation. The area between the project site and the sensitive receptors includes gradual slopes

and river banks on either side of a very wide (approximately 400 to 600 feet), gradually sloping riparian area. Applying established sound propagation principles, those features are not steep slopes nor do they include hard, smooth, or otherwise highly acoustically reflective sources that could potentially result in the perception of sound amplification. Natural geographic features such as narrow gorges, with depths much greater than those that exist in the vicinity of the project site, would be required to be in immediate proximity to the sensitive receptor for such a perceived amplification to occur. Those types of conditions do not exist in the area and such arguments made in the appeal lack credibility.

The proposed MBTRA project analysis relied on three-dimensional sound propagation modeling to support the expert analysis (Dudek) demonstrating that proposed MBTRA project impacts would be less than significant. Predictive modeling of aggregate operations noise emissions (after construction is completed) relies upon CadnaA software, which is based upon International Organization of Standardization methodology and accounts for acoustical air and ground absorption effects, and both occlusions and reflections from path-intervening proposed onsite structures.

In addition to consideration of geometric divergence, acoustical air absorption, acoustical ground absorption, and acoustical reflection evaluated in the FEIR noise section (4.11), the FEIR's three-dimensional sound propagation modeling of project and proposed MBTRA project operations conservatively approximated the actual topography surrounding the project site. The FEIR analysis demonstrates that the project and proposed MBTRA project would have less than significant noise impacts.

- **The FEIR did not provide a noise analysis of the impact of the proposed MBTRA project's north-south orientation and noise levels for the surrounding area addressing noise pollution from backup alarms of diesel trucks, cargo vans, forklifts, and machinery**

City Response: The FEIR included Appendix H-1, which adequately assesses the potential for significant noise impacts from the proposed MBTRA project that orients multiple onsite structures north-south. As with the project, the proposed MBTRA project evaluation addresses construction noise and vibration emission, roadway traffic noise effects, and onsite operation noise arising from the multiple building configuration.

Conservatively, and to represent a "worst case" operational scenario, the FEIR modeling examined onsite heavy truck activity during a peak-hour condition. With respect to the proposed MBTRA project layout and operations, and as shown in Exhibit 1 of Appendix H-1, the CadnaA-based operations noise propagation model specifically analyzed the new north-south multi-building configurations. The model also analyzed corresponding new locations of major (i.e., acoustically dominant, such as continuously operating electromechanical equipment and frequently intermittent sources of sound

emission [e.g., all relevant trucking noise sources such as idling truck engines or low-speed trucks, airbrake activations, and backup alarms]) outdoor-exposed onsite noise-producers that included parking lots, building rooftop HVAC, truck routes, and active loading areas.

Similarly, for the FEIR's modeling all relevant truck sources-including backup alarms, low-speed travel, idling, and air brakes-are conservatively summed energetically during the busiest operational hour of the proposed MBTRA project. The CadnaA input sound emission sources (including the three callout-tagged types appearing in Exhibit 1 of Appendix H-1, and onsite truck travel routes between project buildings that are depicted as purple-colored north-south oriented line segments) account for multiple and overlapping sound sources and noise-producing events over this period of time, consistent with the real-world scenario of trucks loading, unloading, and maneuvering. Thus, contrary to the appeal's contention, the FEIR's analysis did not ignore backup alarms; instead, it included them amongst more acoustically energetic contributors typical for truck operations.

If anything, the FEIR's approach is more conservative than required because the FEIR evaluated peak-hour operation plus intermittent events all at once, thereby creating the largest possible combined effect. Even utilizing that conservative approach, the modeled operation noise level exposures for the proposed MBTRA project at the closest residential boundaries are well below (by several decibels) the 50 dBA daytime and 45 dBA nighttime residential limits and thus would be less than significant. In accordance with CEQA, the less than significant determination, coupled with the reasonable range of project alternatives already evaluated in the FEIR, does not require consideration of yet another alternative as argued by the Appellant. Furthermore, although not required to achieve a less than significant noise determination, the proposed MBTRA project includes Condition 21; the condition provides good-neighbor policy requirements that incorporate standard noise and operational measures, including those regarding forklift and truck operations.

- **The Appellant independently performed acoustic calculations and concluded that the new configuration improved noise impacts in some areas, but wildlife and the homes across the river will continue to experience noise with levels exceeding five times the background level.**

City Response: The Appellant's claims are not based on a technically valid noise analysis and are inaccurate interpretations of the FEIR's noise analysis. The Appellant did not present a clear explanation of how its "Exhibit D" described the method of calculated "waveguide" reflections and how it influences the claimed percentage increases in noise level over that of the ambient noise. It also does not support the Appellant's contentions regarding predicted noise outcomes for the proposed MBTRA project as appearing in the EIR. The methodology relies on the purported percentage increase in noise levels, in and of themselves, to evaluate impacts. That approach does not discuss or analyze, the proposed MBTRA project in light of applicable significance thresholds for evaluating a development like the MBTRA project. Conclusions provided in Figure 2 also defy the scientifically established principles of noise propagation.

Regarding potential impacts on wildlife, the predicted operation noise levels for the MBTRA project are less than 60 dBA Leg, which is below the significance threshold for sensitive species such as the least Bell's vireo during its breeding season. During construction occurring during breeding season, mitigation measure MM-BIO-1 requires a pre-construction nesting survey and a 500-foot buffer if an active nest is found in the habitat, ensuring compliance with CEQA regarding this sensitive avian species. In summary, the FEIR properly and adequately evaluated and disclosed the MBTRA project's noise impacts, and determined those impacts are less than significant. No further analysis, redesign, or mitigation is necessary.

- **To minimize future noise, buildings should be oriented east-west with all access points and activity limited to the south side of the building. Hours of operation for future tenants should also align with stakeholders.**

City Response: The Appellant's recommendations for noise reduction are not supported by a valid noise analysis. Furthermore, the Appellant's suggestions to reorient the buildings and limit activity to the south side of the buildings are recommended design alternatives and not supported by substantial evidence.

Issue 14: Economic Benefits

The Appellant states:

- **Without known tenants, it is impossible to assume the MBTRA project will attract high paying biotech, med-tech, and pharmaceutical jobs and the buildings are not designed to accommodate these types of uses.**

- **The revenue projections outlined in the Economic and Fiscal Impact Analysis are not exclusive to the warehouse/distribution design of the project and could be achieved with an alternative design that is compatible with the surrounding area.**

City Response: As documented in the administrative record, the applicant has not identified potential tenants. The applicant indicated the building is designed to include manufacturing, warehouse, and office use to meet the demand for this kind of industrial facility in Oceanside. The required findings to approve the MBTRA project do not require the City to determine the wages to be earned by future workers. The Appellant's speculation about future tenants and impacts does not qualify as substantial evidence supporting their opinions. CEQA also does not evaluate or regulate the economic impacts of a project.

An Economic and Fiscal Impact Analysis was voluntarily prepared by the applicant to estimate the anticipated fiscal and economic impacts of the original 566,905 square-foot building envisioned to contain a high-end industrial life science user. The Appellant contends that an alternative project designed without trucking terminals could achieve the same fiscal and economic impacts of the proposed MBTRA project based on anticipated development impact fees and revenue projections. The appeal point appears to represent the Appellant's individual preference for project's similar to Oceanside Gateway Business Park and does not qualify as substantial evidence supporting the appeal.

Issue 15: Wildfire evacuation

- **The conditions of approval failed to incorporate Wildfire Evacuation Study (WES) recommendations.**

- **The FEIR and WES make several questionable assumptions about where a wildfire could start and anticipated evacuation times.**

City Response: The DEIR analyzed the proposed MBTRA project and determined that it would have less than significant impacts with respect to the applicable wildfire related CEQA significance criteria. In response to public comments regarding the analysis in the DEIR, a Wildfire Evacuation Study (WES) was prepared as part of the FEIR to incorporate fire modeling, evacuation time analysis, and consistency with local and regional emergency response plans. The FEIR concluded that the proposed MBTRA project would not result in significant wildfire impacts under the applicable CEQA thresholds and thus, no mitigation is required.

The WES was prepared based on guidance provided by the wildfire experts of the Oceanside Fire Department (OFD) and is consistent with the City of Oceanside (City) Emergency Operations Plan (City of Oceanside 2016) and the County of San Diego Operational Area Emergency Operations Plan (County OA EOP).

In response to the appeal points, OFD stated that based on the evacuation study provided, the proposed project would add 10 minutes to evacuate the entire area. An additional 10 minutes would not prevent a safe evacuation. The area in question has two evacuation routes that exit to a main highway. Early warning for evacuations is possible with the use of current technology. Intersections can be controlled by law enforcement. These are some of the factors that benefit the community's ability to evacuate safely. Using existing technology and controlling traffic flow through intersections is standard practice during evacuations throughout the City and does not need to be formally incorporated within the conditions of approval. Additionally, during the construction phase of new

projects, OFD regularly monitors and coordinates with the appropriate project representative to ensure adequate access and water supply. As such, an additional condition of approval is not required.

Multiple fire start locations and weather scenarios were modeled using Genasys software. The start location provided in the DEIR was intended as one example based on a known area of previous vegetation fires that would place the community and the project site in the direct path of fire travel during Santa Ana winds, which are the most threatening local weather conditions regarding wildfire spread with the potential to prompt evacuations.

Issue 16: Impacts on Recreation and Tourism

- **The project conflicts with the General Plan's objective to develop Oceanside into a premier tourist destination. The project would undermine this objective by introducing industrial scale pollution, noise, and traffic congestion.**

- **The project will adversely impact tourist and recreational activities, including the San Luis Rey River Trail, Prince Skate Park, Go Jump Oceanside skydiving, Pacific Coast Flyers, Ocean Kamp, and Mission San Luis Rey.**

City Response: The adopted General Plan has various policies in the Land Use Element and Economic Development Element (EDE) that support both tourism and industrial uses. The project site has a Light Industrial land use designation and is intended for limited industrial uses capable of being located in proximity to residential areas with minimal buffering or attenuation measures. As identified in the EDE, the City has a deficit of industrial zoned land over the 2018-2035 planning period. EDE Policy 2d-1 states "Identify underutilized and obsolete commercial and industrial properties with the greatest potential for redeveloping into more productive use to enhance the City's competitive position in the regional economy."

As documented in previous responses and in the FEIR, impacts associated with air pollution, noise, and traffic congestion were fully analyzed with the MBTRA project and have been found to be less than significant with mitigation, project design features, and conditions of approval incorporated. The Appellant's assertion that the proposed MBTRA project would directly impact tourism and recreation is unfounded and not supported by substantial evidence. It is unclear how the MBTRA project would impede sky diving and flight training at the airport.

Issue 17: Due process

- **The public did not have an opportunity to review the MBTRA project until the release of the FEIR on January 10, 2025 and there was no indication that it was the preferred project.**

- **The public did not have the opportunity to comment on the MBTRA project until the Planning Commission hearing on February 10, 2025.**

- **Staff's recommendation was only made available four days before the Planning Commission hearing and did not provide adequate time to analyze or challenge staff's recommendation of the MBTRA project.**

City Response: The DEIR included an analysis of three project alternatives. In response to public comments received on the DEIR, a proposed MBTRA project was included in Chapter 8, Section 8.4.4 of the FEIR, which is a variation on the original proposed project and Multi-Building Alternative previously evaluated in the DEIR. The City, as Lead Agency, recommended approval of the proposed MBTRA project which is considered the preferred alternative that meets most of the objectives of the project while lessening potentially significant impacts of the project.

The Appellant implies that the EIR should have been recirculated to allow public comment on the proposed MBTRA project prior to the Planning Commission hearing. Pursuant to CEQA Guidelines Section 15088.5 (a), a "Lead Agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the DEIR for public review under Section 15087 but before certification." As documented in the FEIR and supported by technical memorandums, the proposed MBTRA project does not add significant new information. Further, recirculation is not required as the applicant has not refused to implement the MBTRA. To the contrary, the Planning Commission approved the MBTRA with an even further reduction in the number of truck bays. The proposed MBTRA project represents a project reduction and would not result in new or a substantial increase in the severity of significant environmental impacts. Therefore, recirculation of the DEIR was not warranted.

The FEIR was posted for public review 30 days prior to the Planning Commission hearing. Staff also notes that the applicant introduced the proposed MBTRA project during a virtual meeting hosted on November 14, 2024 and plans were made available on the applicant's website at www.eddiejonesproject.com <http://www.eddiejonesproject.com>. The hearing notice for February 10, 2025 Planning Commission was also mailed 15 days in advance of the meeting and fully disclosed the consideration of the proposed MBTRA project. An email was also sent to the project's interested parties list on January 24, 2025 advertising the consideration of the proposed MBTRA project. The Planning Commission agenda and hearing materials were posted at least 72 hours in advance of the meeting in accordance with the Brown Act.

Issue 18: Conclusion

- **The Appellant claims that the City Council has established a precedent by rejecting the warehouse distribution center near the St. Cloud Community and should consider the same for Eddie Jones.**

City Response: The Appellant references the DIB3 Ocean Ranch Distribution Facility (D20-00014 and CUP20-0023) that was specifically designed as a last mile delivery facility for Amazon. On August 4, 2021, the City Council granted an appeal of the Planning Commission's approval of the project. The City Council decision was based on potentially significant traffic, noise, and air quality impacts that were not adequately disclosed or mitigated by the project's use of a previous Mitigated Negative Declaration (MND) prepared for Ocean Ranch in 1999. The application was formally withdrawn by the project applicant prior to the City Council adopting the resolution for denial on August 18, 2021.

Unlike the DIB3 Ocean Ranch facility that relied on an Addendum to an older MND, the proposed Eddie Jones project included the preparation of an EIR to fully analyze potential environmental impacts associated with the project. In accordance with the procedures established in Articles 41, 43, and 46 of the Zoning Ordinance, the City Council shall make a decision on the appeal at a duly noticed public hearing after hearing and considering evidence and testimony by all interested parties concerning the Planning Commission's certification of the FEIR and approval of the proposed MBTRA project.

Pursuant to Section 4605(C) of the Zoning Ordinance, the City Council may consider only the issues that were raised in the appeal filed with the City. The extensive analysis provided above clearly demonstrates that the Appellant has not provided any basis to warrant overturning the Planning Commission's approval of the project.

FISCAL IMPACT

No fiscal impact.

COMMISSION OR COMMITTEE REPORT

The Planning Commission considered the project at its regular meeting on February 10, 2025. After due consideration, the Planning Commission, by motion, voted 7-0 (all commissioners present) to certify the EIR and approve the proposed MBTRA project through adoption of Resolution No. 2025-P05 and 2025-P04 with amendments to Conditions 1b and 11 to reduce the number of truck bays to 34 with a caveat that the truck bays can be allocated between any of the four buildings at the discretion of the applicant.

CITY ATTORNEY'S ANALYSIS

The City Council is authorized to hold a public hearing in this matter. Consideration of the matter

should be based on the testimony and evidence presented at the hearing. After conducting the public hearing, the Council shall affirm, modify or deny the project. The supporting documents have been reviewed and approved as to form by the City Attorney.

Prepared by: Rob Dmohowski, Principal Planner
Reviewed by: Darlene Nicandro, Development Services Director
Submitted by: Jonathan Borrego, City Manager

ATTACHMENTS:

1. Staff Report
2. City Council Resolution (Including Planning Commission Resolution Nos. 2025-P05 and 2025-P04 certifying the FEIR and approving the MBTRA)
3. Letter of Appeal
4. Planning Commission Staff Report dated February 10, 2025 with attachments
5. Public Correspondence