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APPEAL OF PLANNING COMMISSION ACTION

APPEALS MUST BE FILED WITH THE CITY CLERK'S OFFICE WITHIN 10 CALENDAR DAYS OF THE DATE OF FINAL ACTION

PROJECT/ACTION BEING APPEALED

PROJECT NAME	DATE OF FINAL DECISION
EDDIE JONES WAREHOUSE PROJECT	FEBRUARY 10, 2025

RESOLUTION NUMBER: 2025-P04 + 2025-P05

FORM OF APPEAL

APPEAL FEE - $1,838 ☐ PETITION ☒ (PLEASE SEE BELOW FOR EXPLANATION/SIGN OFF)

LETTER INCLUDING A STATEMENT SPECIFICALLY IDENTIFYING THE PORTION(S) OF THE DECISION BEING APPEALED AND THE BASIS FOR THE APPEAL IS ATTACHED ☒

PERSON FILING APPEAL

NAME	Daytime Telephone:
GRETCHEN GARY	(760) 560-6103

ADDRESS	CITY	STATE	ZIP
471 TISHMAL COURT	OCEANSIDE	CA	92058

APPEALED BY
APPLICANT (COMPANY/REP) ☐ INTERESTED PARTY ☐ PROPERTY OWNER WITHIN NOTICE AREA ☒

SIGNATURE	DATE
[signature]	2/19/2025

CONTACT PERSON

please use both emails: (IF DIFFERENT FROM PERSON FILING APPEAL)

NAME			
gretchengary@gmail.com / cmcconnell14444@gmail.			
ADDRESS	CITY	STATE	ZIP
Daytime Telephone	Fax Number	Email Address	

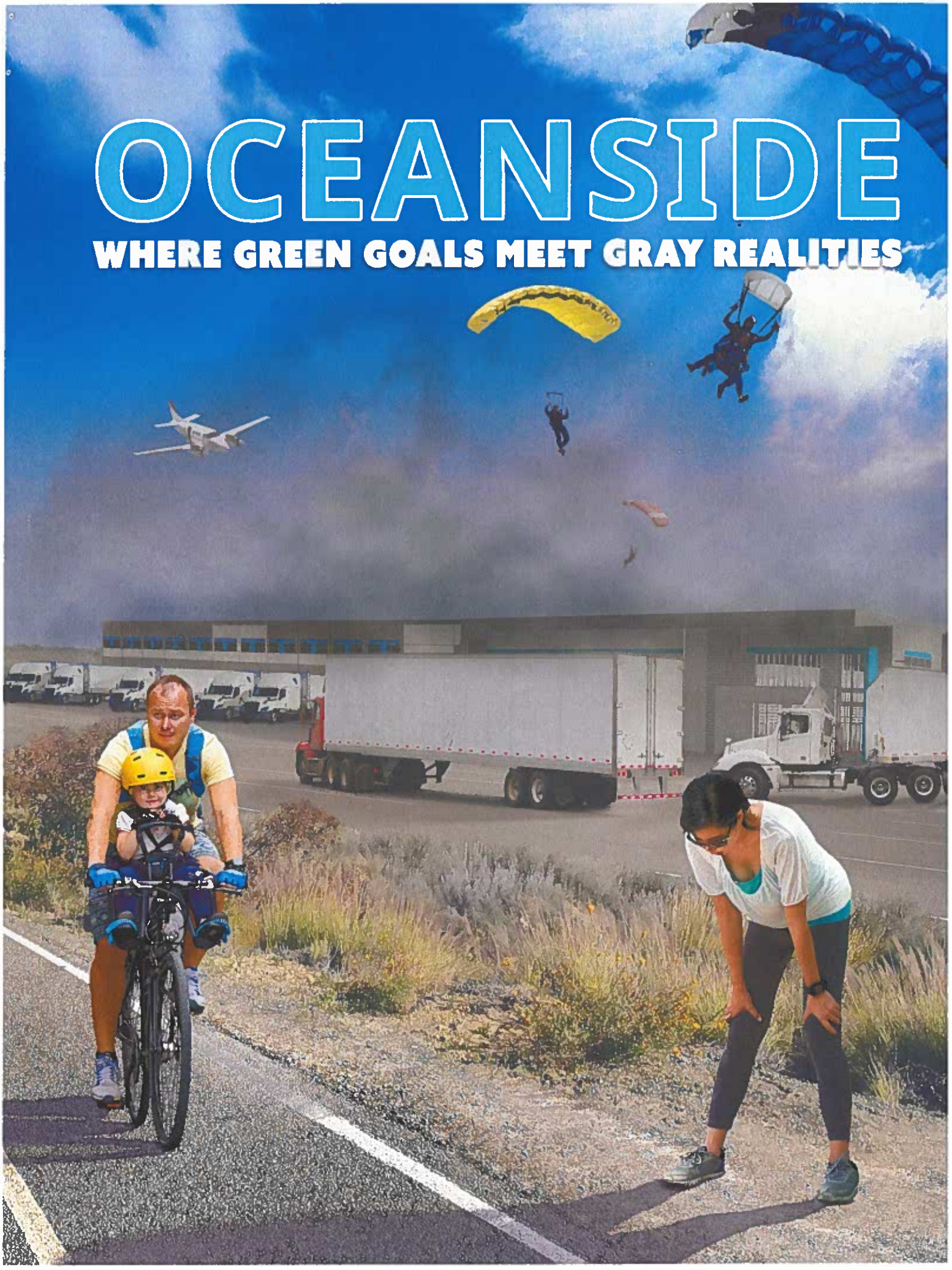
Section 4604: To appeal by petition for a waiver of the appeal fee, the appeal must be accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.

I hereby certify that this appeal is being submitted in accordance with the Zoning Ordinance and meets the criteria specified in Section 4604 for an appeal by petition.

Signature: [signature] Date: 2/19/2025

NOTE: All petitions must contain ~~original~~ signa **h signer.**

Received by: Leslie Huerta
Via: Counter
Copy to: CMO, CAO, DS.
Sergio, Rob, Clerk


OCEANSIDE
WHERE GREEN GOALS MEET GRAY REALITIES

OCEANSIDE SPEAKS OUT

Oceanside Citizen's Group – Collected 5,831 Signatures Opposing this Discretionary Project
OceansideSpeaksOut2.org · Facebook "Eddie Jones Project / Oceanside"

February 11, 2025

Oceanside City Council Members
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

APPEAL: CITY OF OCEANSIDE PLANNING COMMISSION DECISION – APPROVED PC RESOLUTION NO. 2025-P04 + PC RESOLUTION NO. 2025-P05

RE: EDDIE JONES PROJECT DEVELOPMENT PLAN (D22-00001)
CONDITIONAL USE PERMIT (CUP22-00001) AND VARIANCE (V22-0001)
LOCATION: 250 EDDIE JONES WAY, OCEANSIDE, CA 92058

INVESTORS:

10% = RAF Pacifica Group of Encinitas, CA

90% = The Carlyle Group, a multinational 'private equity' alternative asset management / financial services corporation headquartered in Washington DC, managing over $447 Billion in assets internationally

SPECIFIC JUSTIFICATION / REASON FOR APPEAL:
Due to the unique topography / location, this discretionary project that will cause harm to residents and tourists.

Dear City of Oceanside Council Members,

The City of Oceanside's Planning Commission approved the Eddie Jones Warehouse, Manufacturing, and Office Facility Project on February 10, 2025, allowing for the construction of four separate buildings ranging in size from 109,660 square feet to 134,015 square feet, for a cumulative total of 497,822 square feet of warehouse and distribution facilities at 250 Eddie Jones Way.

As representatives for the 236 residents living within 1500 feet of the Discretionary Project site's notification area, we formally APPEAL the City Planning Commission's

approval of these warehouse and distribution facilities on **behalf of all residents of Oceanside**.

WHO ARE WE:

"Oceanside Speaks Out" (OSO) is a grass roots citizens group organized over two years ago, to educate the public about the Eddie Jones Warehouse Project. The people who make up OSO vary widely: Oceanside residents, anyone who utilizes the Highway 76 corridor, and anyone who works here, or vacations here.

A total of 5,831 people have signed petitions to document their concerns about the Eddie Jones Discretionary Project.

CITY'S STRATEGIC VISION:

As shepherds of the City's operation and development, City Council members are responsible for embracing the City of Oceanside's strategic vision. The Eddie Jones Discretionary Project stands in direct conflict with the City's General Plan – particularly the objective to develop Oceanside into a premier tourist destination. The proposed warehouse undermines this objective by introducing industrial scale pollution, noise and traffic congestion – factors that will deter visitors and degrade the quality of life for local residents.

CITY'S EXISTING ZONING ORDINANCE:

Per Article 13 of the City's 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 (CUP).

** **It is important to note, that the ordinance does NOT specify the number of heavy truck TERMINALS. (Just number of trucks ON PREMISES as any one time.)**

** **Also, the ordinance does NOT regulate number of grade-level truck loading doors, whatsoever.**

The developer originally designed a single building with 114 heavy truck terminals (aka: "dock-high" terminals.) The current proposed four-building re-design asks for 56 heavy truck terminals, plus 45 "grade-level" truck loading doors, **for a total of 101 truck access points – a significantly larger number than zoning ordinance limit of 6 heavy trucks allowed on premises at one time**.

On February 10, 2025, the Planning Commission approved that the Eddie Jones Discretionary Project would be allowed up to thirty-four (34) heavy truck terminals

(presumably eight (8) heavy truck terminals at each of the three 109,000-132,000 square foot buildings and a 10 heavy truck terminals at the larger 134,000+ building.)

Of note, the Conditional Use Permit (CUP) as worded and approved does NOT address the number of heavy trucks allowed on the premises, just the number of truck terminals. *This is a glaring and confusing inconsistency between the zoning ordinance, the development plan and CUP.

The decision on February 10, 2025 includes built-in permission that, at any time in the future, a tenant may simply return to the Planning Commission to request additional heavy truck terminals.

** **The actual number could be as high as the original request of 114 truck terminals because the Planning Commission's RESOLUTION 2025-P05 provided blanket approval of the EIR in its entirety, written for the original 114 truck terminals.**

This open-ended approval does NOT limit the multi-building facility to thirty-four (34) truck terminals as specified in RESOLUTION 2025-P04. And, **the number of "grade-level" truck doors are *unregulated*, so the developer can simply increase the total truck access points back up to >100 at any time.**

The developer's insistence on a high number of truck access points effectively paves the way for any future tenant to use the location as a last mile delivery hub. If this becomes a reality, public input remains essential. (However, the burden on the public to monitor future Conditional Use Permit (CUP) requests on an ongoing basis is neither reasonable nor sustainable.)

DEVELOPER'S VISION:

The Eddie Jones Discretionary Project's proposed four (4) building footprint will be 288% larger than the previous TE Connectivity facility (old building was 172,300 square feet, compared to total of 497,822 square feet of the Eddie Jones Complex). There will be no escaping the view of these four (4) buildings, as they will consume all 31.79 acres of land. From every vantage point, they will dwarf all other structures in the San Luis Rey River Valley; so massive visually, they will destroy both perspective and appeal of the *San Luis Rey River*, and the *Mission San Luis Rey* an important marker of California's history founded in 1798.

The overall magnitude of the Eddie Jones building complex is not consistent nor compatible with the *size* of existing development in the vicinity and **buildings of historical significance**.

↘ **See EXHIBIT A – Comparison of Multi-Building Complex relative to Other Buildings*

RAF Pacifica Group repeatedly says that the Eddie Jones Warehouse Project will be similar to their La Pacifica Project = three-building, 103 heavy truck terminal, multi-tenant industrial distribution and manufacturing business park located at 3801, 3809 and 3817 Ocean Ranch Blvd. This is an oversimplified comparison! **La Pacifica is located in an area with other like sized buildings, and is not adjacent to a residential community.** Nor does La Pacifica's property sit amongst family-focused recreational activities. Benet Road has entry/exit points onto the San Luis Rey River Trail, which poses a danger to bicycles, etc. Alex Road has entry/exit points onto the River Trail AND traverses immediately in front of the Prince Skate Park.

After this project is compete, Alex Road is scheduled to have a regular parade of light truck and delivery van traffic. That is, along with the skate board, bicycle and scooter traffic.

Other differences between La Pacifica and Eddie Jones is the soon-to-be developed OceanKamp which will bring even more traffic complexity to Alex Road; naïve tourists will be forced to navigate through traffic with light trucks and vans. The mixture of light trucks, delivery vans, bicycles, skate boards, and pedestrians, all intersecting in a future traffic circle area creates unnecessary risk for tourists.

Lastly, when studying the street terrain for access to La Pacifica there are multiple North-South and East-West approaches to these buildings. These buildings are in the middle of a typical grid pattern of established city streets. There are multiple approaches to the La Pacifica buildings, allowing for emergency vehicles in (ingress) and evacuations out (egress). Additionally, Ocean Ranch sits high on a breezy hilltop in an area **purposefully selected, planned and built for this kind of development**.

This is all distinctly different compared to the unique terrain and topography of a narrow and deep River Basin that has evolved over 80+ years in an unstructured piecemeal fashion. Adding four (4) massive warehouse buildings to the chaotic and inconsistent infrastructure of the San Luis Rey Valley is not the answer.

LOCAL TERRAIN AND TOPOGRAPHY:

The San Luis Rey River Valley surrounded by its **cliff walls creates a dish bowl effect that prevents typical grid pattern of established suburban streets**. The Airport Community is isolated on the North side of the River with only two (2) bridges at Benet and Foussat Roads, both one-lane-each-direction roads. Large businesses (AIM Recycling, S&R Towing, CalPortland), Prince of Peace Abbey and approximately 1200 homes are isolated across these two (2) bridges North of the River.

The Eddie Jones Discretionary Project's proposed business plan includes 1,286 Average Daily Trips (ADT) **consuming BOTH of these critical one-lane-each-direction-access points**. Eddie Jones truck traffic will change the Level of Service (LOS) traffic measurement for the intersection of Benet Rd and Highway 76 to move from Grade D to

F. (Grading system is A (best) to F (worst) conditions.) The domino effect is additional traffic and congestion on Highway 76 that serves 100,000+ citizens up the River Valley, East of this Discretionary Project.

Another unique characteristic of the unique topography of the San Luis Rey River Valley's cliff-sided topography is its ability to **amplify sound waves as you rise out of the Valley.** This results in significant sound impacts on the residents, visitors and worshipers at the Prince of Peace Abbey, and residents in the homes on the escalating hillsides North of the proposed site.

A third unique variable of the cliff lined River Valley is its **ability to channel and hold air pollutants**. Use of only 'daily thresholds of significance' (as was done in the Final EIR) does not fully characterize the air quality impacts to the Valley. A more accurate measure of air quality is based on the concentration of various air pollutants. Concentrations are affected by numerous other factors such as proximity to pollution generating businesses, weather conditions, etc.

Given the unique terrain / topography (and NOT a simple city grid pattern of street access) the developer's vision for a warehouse complex of buildings is unrealistic. A distribution warehouse complex in this location harms residents of the adjacent community AND compounds the problem of an already strained infrastructure for those commuting East and West along the narrow Highway 76 River Valley corridor.

LOCATION'S IMPACT ON RECREATION & TOURISM:

The proposed location for the Eddie Jones multi-building warehouse and distribution facilities will be sandwiched between tourist and community recreation locations. Recreational and tourist activities adversely impacted are:

a. "San Luis Rey River Trail" a 9-10 mile paved bicycle trail specifically designed to be *"tucked away from busy traffic"* (per City of Oceanside website.) *Note: This statement will **no longer be true** adjacent to daily operations of a diesel heavy truck facility.
b. "Prince Memorial" aka: "Alex Road Skate Park" attracts children & teens from all of San Diego County, and skate boarders from around the world. This skate park is **only several hundred yards *downwind*** of the Discretionary Project.
c. "Go Jump Oceanside" skydiving center on Airport Road which attracts thrill seekers from all over Southern California.
d. "Pacific Coast Flyers Oceanside" provides rental aircraft to pilot and students at Oceanside's Bob Maxwell Municipal Airport.
e. "OceanKamp" future wave pool for surf enthusiasts, with retail, dining, rock climbing, bicycle rental and proposed EVENT SPACE intended to draw attendees from all over Southern California.
f. *Mission San Luis Rey*, a cornerstone of North San Diego County's past; a sacred place for many Californians.

Oceanside's reputation and long-term prosperity are interconnected and dependent on tourism. Tourism is emphasized in the City's General Plan and economic strategies. Yet, the proposed Eddie Jones Discretionary Project undermines these goals by creating an area of disproportional risk from air pollutants hovering in a dish bowl area full of recreational and tourist activities.

The Discretionary Project's location is only two (2) miles from the ocean, an area that is central to a rising recreational area. The San Luis Rey River bicycle and walking trail serves to connect the City's vibrant downtown, harbor and beach communities with interior tourist-centric destinations and activities. OceanKamp wave park will soon draw thousands of families with children to the surrounding area every day. **OceanKamp's economic prospects and viability are dependent upon attracting *and retaining* tourists** – both important drivers in Oceanside's strategy to expand its reputation as a 'go to' Southern California destination. Why would we deliberately place a Discretionary Project involving heavy diesel trucks right in the middle of our future gentrification plans for the area?

UNFOUNDED ASSUMPTIONS REGARDING JOB LEVEL IMPACT:

Tenants / occupants of the Eddie Jones buildings are unknown. Therefore, it is impossible to accurately assume that the Discretionary Project will attract "high paying biotech, med-tech and pharmaceutical jobs." The concept of >100 truck access points (heavy truck terminals + grade-level doors) and the concept of "high paying biotech jobs" are mutually exclusive. Higher paying jobs in biotechnology (biomedical engineer, biochemist, research scientist, biostatisticians, pharmaceutical development director, chief medical officer, chief executive officer) are roles in research laboratories and executive offices. They do NOT work in buildings that have >100 truck access points, with 140 truck trips a day.

** Note: this equates to **11 truck trips PER HOUR during peak morning commute = equivalent to one truck every 6 minutes waiting at the intersection of Highway 76 and Benet Rd with its *4 minute light cycle***.

Yes, the developer has built other projects that have biotech tenants, but that does not guarantee that future tenants of this Discretionary Project will be similar businesses. **In actuality, the four (4) building complex's design with >100 truck access points (via combination of truck terminals and *unregulated* grade-level truck loaded doors), could just as easily attract "last mile" tenants.**

Last mile businesses are qualitatively distinct because of the mix of vehicles used for deliveries and the use of casual workers. Warehouse logistics facilities are notorious for their high turnover rate of employees. (Turnover rates in the industry as are high as 49%.) Often over time, last mile businesses are forced to attract employees from greater and greater distances, creating additional commute traffic in a city. The average hourly

earnings of workers in this sector, according to the Bureau of Labor Statistics is $898 per week. This amounts to less than $45,000 over a 50-week year.

See EXHIBIT B – Comment Letter from Teamsters Local Union No. 542

FINANCIAL BENEFIT FOR THE CITY:

The executive summary of the Economic & Fiscal Impact Analysis for this Discretionary Project estimates the total NET surplus to the City of Oceanside as $72,103 annually. Additionally, it is anticipated the City will benefit from one-time Discretionary Project development impact fees, of approximately $2.1 million (paid as one-time fees for the initial development.) These numbers would certainly benefit the City's coffer. However, these revenue projections are not exclusive to warehouse distribution style building designs. **Other light industry building designs could generate similar one-time development fee income, and ongoing annual net income streams.** And, other light industry building designs exist, that would fit better in the location's unique topography and impact on the health and safety of residents, tourists and local businesses.

The true financial value for the City is rooted in the land.

No matter what future light industry building(s) are built on Eddie Jones Way, the discretionary project will generate development fee income and annual net income for the City. It does not even have to be a discretionary project that requires dozens of heavy trucks and an exception to the City's existing zoning ordinance.

It is the responsibility of all stakeholders (City Council Members, City Planners, local businesses and residents) to consider options and remember that this is a DISCRETIONARY PROJECT that will be in operation for multiple decades.

BUILDING DESIGN OPTIONS TO MATCH UNIQUE TOPOGRAPHY:

Modern light industrial facilities withOUT heavy truck traffic already exist in Oceanside and can generate similar revenue, jobs and long-term prosperity for the community. One example is "Oceanside Gateway Business Park" at Oceanside Blvd and Ord Way built on a similarly size parcel (37 acres). Oceanside Gateway has multiple multi-use industrial buildings with warehouse and office flex spaces. Individual units provide highly functional warehouse clearance heights, large grade-level doors and **independent unit designs conducive to support dozens of varied small businesses** (not just four (4) large tenants with the existing discretionary project design). Additionally, this kind of building complex better aligns with size and operations of existing businesses in the area south of the Airport runway and south of Highway 76 – all of which are zoned light industry and fall within existing zoning ordinance requirements.

See EXHIBIT C – Relatable Example: Oceanside Gateway Business Park

NEW MULTI-BUILDING CONFIGURATION WITHOUT NOISE ANALYSIS:

The developer recently revised their Project significantly by changing to a multi-building configuration. **The EIR did not provide an analysis of the impact of this new *North-South orientation*; in particularly, noise levels for the surrounding area.** Noise pollution from backup alarms of diesel heavy trucks, cargo vans, forklifts and supporting machinery will be **amplified by the cliff-sided topography of the San Luis Rey River Valley**.

We have independently performed the needed acoustic calculations. The new building configuration has improved the noise impact for some parts of the area. However, the critical San Luis Rey River Habitat, its associated wildlife, and the Wanis View homes will continue to experience **noise from warehouse and distribution facility operations at times with levels exceeding 5 times the background level**.

**See EXHIBIT D - Acoustic Calculations New Multi-Building Configuration*

FUTURE BUILDING DESIGN CONSIDERATIONS:

To minimize noise in the cliff-lined dish bowl Valley, future building(s) on this property should be constructed in ***an East-West orientation with all access points and activity limited to the South side of the building***. Additionally, all affiliated equipment use, traffic and parking of employee vehicles, service trucks, forklifts, any equipment with backup alarms, should be limited to the South side of the building. Hours of operation of future tenant(s) and ambient light generated by the facility should align with all stakeholders in the multi-use area.

Given the Discretionary Project's ***tourist-centric location upwind of key recreational activities***, we urge the City to consider imposing a full or partial net-zero Greenhouse-Gas (GHG) significance threshold for any development on this land. Requiring full or partial net-zero significance aligns with the City's own Climate Action Plan (CAP), the City's strategic goal of becoming a 'go to' Southern California tourist destination, and the California Air Resources Board's (CARB) Climate Change Scoping Plans. Additionally, it would protect the City and Applicant from California Environmental Quality Act (CEQA) GHG litigation.

CONDITIONS OF APPROVAL IN RES 2025-P04 FAILED TO INCLUDE WILDFIRE EVACUATION STUDY (WES) RECOMMENDATIONS:

We appreciate that the developer prepared the requested Fire Evacuation Time Study, but we disagree with the conclusion that adding 10 minutes to a worst-case scenario that already results in a 59 minute evacuation time is a "less than significant impact."

Furthermore, there are numerous recommendations in the Study that need to be incorporated into Project conditions. The document states: "The Wildfire Evacuation Study (WES) requires regular adjustment and continuous coordination by the Owner(s) and or Property Manager and fire/law enforcement agencies during each stage of the

construction process." It also says that in order to evacuate more people (as will be required with this Discretionary Project) that emergency managers must "1. Provide more lead time to evacuate and 2. Control traffic levels during evacuations so fewer vehicles are trying to exit at the same time."

This and other recommendations of this Study should have been formally incorporated into the Discretionary Project conditions of approval. Conditions of Approval in RES 2025-P04 failed to reference this report or incorporate any of its recommendations.

Additionally, in the Final EIR, the Wildfire Evacuation Study (WES) makes several questionable assumptions as to where a wildfire could start, the fuel loading, and the time available for residents to evacuate. More realistic assumptions of the "fire start location" and variations in wind direction and speed will greatly reduce the time residents will have to evacuate. With such a tight timeline, **the impact of the warehouse and associated heavy trucks will have on hindering evacuation will be very significant**.

*See EXHIBIT E – *Wildfire Safety: Inaccurate Evacuation Assumptions*

OVERSIMPLIFIED TRAFFIC MODEL:

The mathematical model used in this Discretionary Project's traffic analysis simply equated one (1) heavy truck to two (2) passenger cars; however, there are clearly varying lengths of trucks, especially when comparing heavy diesels trucks versus mid-size trucks. Additionally, the model failed to include a variable for the weight of the trucks. **A heavily laden heavy truck moves at a vastly slower pace, than empty trucks and mid-sized trucks.** This oversimplification does not accurately reflect the true impact of trucks on overall traffic movement and **light cycle disruptions at Highway 76 and Benet Road that will be caused by 140 truck trips a day**, with total of car + truck = 1,286 Average Daily Trips (ADT).

The City's Circulation Element includes an objective for acceptable Level of Service (LOS) Grade D or better on an average daily basis. The Eddie Jones Discretionary Project would **contribute to traffic at a failing intersection at Highway 76 and Benet Road; under several scenarios, LOS would be reduced to Grade F.**

The Discretionary Project proposes a "fair share" payment in the amount of $50,000 to the City's Thoroughfare and Signal Account for the City to use at its discretion to improve the traffic at ANY location in the City. This is a **staggeringly low number compared to the annual wear and tear City streets will incur** from four (4) distribution warehouses **creating an additional 140 truck trips a day**, with total of car + truck = 1,286 Average Daily Trips (ADT).

The Final EIR responses to comments on page RTC-97 states "Consistent with the City's formally adopted VMT standards the Draft EIR uses SANDAG's Employee VMT by census tract..."

This is misleading because the drivers of the heavy trucks, cargo vans, etc. accessing this Discretionary Project are not employees, and consequently NOT included in the analysis of VMT and the associated GHG emissions.

Additionally, the mitigation measures of incentivizing employees to commute in carpools, vanpools, etc. will have impact on total VMT, but **no impact whatsoever on drivers of the heavy trucks, cargo vans, etc. traveling to/from the distribution warehouse.**

TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN, NOT PROVIDED:

Other City Projects include the Draft TDM Plan that is required by City Ordinance and to comply with the City's Climate Action Plan (CAP). A TDM Plan is essential to determine if there is sufficient disclosure of transportation impact, to fully disclose additional trips that will be generated, and to provide opportunity for public comment. **This Discretionary Project did NOT include even a Draft TDM Plan. *Failure to provide this document leaves compliance with the CAP unknown, and this potentially significant impact, unaddressed.**

*See EXHIBIT F – Failure to Provide TDM Plan

CITY COMPLIANT WITH NEW STATE REGULATION?

California Assembly Bill (AB) 98, signed into law on September 29,2024 regulates warehouses and trucking activities to reduce emissions to enhance community health. The bill mandates environmental and community health protections for warehouses larger than 250,000 square feet, with prescriptive requirements such as landscape buffering and truck access locations setback >500 feet from property line. AB 98 requires Cities to update their circulation elements, including identifying and updating established truck routes. **It also prohibits local agencies from approving these type of warehouse projects under certain criteria,** such as commercial roadway logistics, sensitive receptors, zoning and size of the facility.

SAN DIEGO MULTIPLE HABITAT CONSERVATION PROGRAM

No impartial biologist would ever recommend a project of this scale next to a critical nesting habitat for endangered species. The biology 'experts' hired to produce reports for the EIR have a conflict of interest.

The section of the San Luis Rey River along this discretionary project site provides critical breeding habitat for the endangered bird species *Least Bell's Vireo*. Figure 3 of the Biological Technical Report (BTR) within the EIR shows a number of documented occurrences of this species near or within the project boundary. The City should require **protocol surveys for this endangered species, as they were surprisingly not conducted.**

This was noted by the California Department of Fish and Wildlife (CDFW) in their public response to the Draft EIR.

Also, this area lies within Oceanside's Wildlife Corridor Planning Zone as designated in Oceanside's Subarea Plan, which is meant to protect another federally threatened bird species, the *Coastal California Gnatcatcher*. **United States Fish and Wildlife Service (USFWS) mentions this important detail in it's public comment letter and further explains that the federally-protected species** could use this project site for dispersal. The USFWS recommends that at least 50 percent of this property should be conserved as open space to adhere to the Subarea Plan.

Across the board, ALL wildlife in the San Luis Rey River Habitat will be severely affected by the traffic, noise, and exterior lighting of this discretionary four (4) building complex. Headlights from trucks will inevitably extend beyond the limits of the project and will disrupt nocturnal animals.

**See EXHIBIT G – Impact on Sensitive San Luis Rey River Habitat*

KUMEYAAY NATION CULTURAL HABITAT

The City and developer are certainly aware, and it is worth highlighting the historical and cultural significance of this land. The Luiseno (also known as Payomkawichum) are a band of the Kumeyaay Nation; they are specifically associated with the San Luis Rey River Valley and *Mission San Luis Rey*. Past Archaeological assessments of the river basin and flood plain state that the area contains at least sixty-six (66) recorded archaeological sites. The location of the Eddie Jones Discretionary Project is well within the Luiseno cultural territory. Any new development will most likely encounter Luiseno sensitive cultural material. (*Note: In honor of the Kumeyaay Nation street name in the adjacent Wanis View residential community are Luiseno words. For example: "Wala" = Red-tailed Hawk and "Tishmal" = Hummingbird.)

UC DAVIS STUDY ON THE IMPACT OF WAREHOUSES:

According to the EPA, California has the highest levels of ozone in the country; much of which is due to the recent number of distribution warehouses built to support the surge in e-commerce. Diesel heavy trucks associated with distribution warehouses are large contributors to hazardous compounds that react in the presence of sunlight to create ozone. There is new evidence that air pollution from **warehouse distribution complexes results in significant health risks for people living in the area; in particular health risks for children, such as increased rates of asthma and cognitive disorders**. This concern is magnified in the San Luis Rey River Valley with its high cliffs and dish bowl topography.

**See EXHIBIT H – Health Effects of California's Warehouse Boom*

CUMULATIVE IMPACT OF POLLUTANTS WITH NEARBY OCEANSIDE AIRPORT:

Numerous comments to the Draft EIR expressed concerns with the cumulative effects of various emissions/pollutants in the nearby area with emissions from diesel engine trucks (diesel particulate material). This was not adequately addressed in the EIR. For example, the proposed location for the Discretionary Project is adjacent to the largest source of airborne lead in Oceanside (the Airport) in the form of nanoparticles of lead dibromide. **The presence of diesel particulate material can increase the local exposure to lead by increasing the settling velocity of the combined, agglomerated particles.** Since there is no level of lead that is considered safe (US EPA, US CDC), this increased level of exposure should not be permitted. The question was put to the Planning Commission and Developer at the February 10th meeting: Has a Truck Terminal ever been located so close to an active runway of an airport using leaded fuel? – No one responded to this question.

**See EXHIBIT I - Cumulative Lead Dibromide Analysis*

UNRESOLVED AIR QUALITY ISSUES:

In response to the Draft EIR in December, 2023 air quality professionals explicitly expressed concerns that the Eddie Jones Warehouse Project will create a *concentration* of greenhouse gases / pollutants, thus affecting air quality in the San Luis Rey River Valley.

Given the unique terrain and topography of a narrow and deep River Basin, this *concentrating effect* will have significant impact on thousands of Oceanside residents and businesses downwind of the Discretionary Project.

Use of only the daily thresholds of significance to determine significance does not fully characterize the air quality impacts to the nearby homes and businesses. This is because **impacts to nearby homes and businesses are related to the *concentration* of various air pollutants not their daily mass emission rates**. Concentrations are related not just to the daily emissions rates but also on numerous other factors such as proximity to homes and businesses and weather conditions.

The EIR inaccurately concludes that since the project level impacts are less than significant, then cumulative impacts would also be less than significant. THIS **LOGIC IS FLAWED**. Cumulative impact analysis also needs to address cumulative health risks. This was also missing in the EIR.

Cumulative impact analysis requires emissions from all current or future projects be evaluated to determine impacts. THIS WAS NOT DONE.

To measure air quality, the Final EIR mistakenly uses an old version of CalEEMod (2020.4.0). This misses critical details of this Discretionary Project's impact on climate. CalEEMod (2022.1.29) covers the important topics of climate risks, **environmental**

burdens, health, and equity impacts. These are salient concerns with the planned operations. In addition, CalEEMod, even up-to-date versions do not explicitly model the topography of a site. Instead it relies on generalized inputs and assumptions about the site. **This is extremely important for this Discretionary Project given the complex, "bowl" shape of the topography of the nearby area and its impact on pollutant retention.**

Another mistake is the Final EIR relies on CalEEMod despite comments on the importance of using the American Meteorological Society/EPA Regulatory Model (AERMOD) for this area. CalEEMod focuses on emissions generation. AERMOD focuses on pollutant dispersion– key to the complex topography of the area and provides important information on where pollutants go after they are released.

The Final EIR fails to adequately respond to the AERMOD results showing levels of cumulative NO_x and cumulative PM 10 exceeding Air Quality Standards.

The 'experts' hired to produce reports for the EIR clearly have a conflict of interest. No impartial air quality expert or environmental permitting specialist would create the misleading evidence that appears in the EIR. Here are a couple of examples:

Both the Draft and Final EIR go to great lengths to provide background information, with discussions about ambient air quality standards, prevailing local air quality, and project emissions (construction and operational) in Tables 4.2-1 through 4.2-3. However, at no point do they connect the project emissions with the ambient air quality standards, or impact of the project emissions on local air quality that was just discussed in their documents.

Instead, the Final EIR wanders off to compare project emissions with thresholds of significance. They never bother to translate project emissions into AQ impacts, how those project impacts compare against the AQ Standards or prevailing air quality that was presented just a few pages earlier in both the Draft EIR and Final EIR. So, why bother presenting eleven (11) pages of information about AQ Standards and prevailing air quality if you are not going to connect that information with project emissions?

↳ **See EXHIBIT J – Attorney Letter: Advocates for the Environment*

↳ **See EXHIBIT K – Attorney Letter (Mooney) & Environmental Permitting Specialist Technical Memorandum*

ENVIRONMENTAL INJUSTICE:

The proposed location of this Discretionary Project as well as areas to the east and south are among the highest levels of Poverty in all of San Diego County. From CalEnviroscreen 4.0, this area, census block 6073018603, has a **Poverty percentile of 92** (0- low 100-high) relative to all of California. This means that only 8 percent have a higher poverty rate. The City of **Oceanside average for comparison is 45 percentile**. This area is also the

highest level of Pollution burden (72 percentile) in Oceanside. Historically, the area has suffered a disproportionate burden of industry and associated pollution. Adding a facility like the Discretionary Project and the associated PC Resolution No. 2025-P04 + PC Resolution No. 2025-P05 allowing for numerous heavy duty trucks and an expanding building footprint will have the following long-term impacts on this already burdened area:

Perpetuation of Inequality: Environmental injustice exacerbates existing social and economic inequalities. It creates a cycle where marginalized communities are further disadvantaged.
Unjust Distribution of Harms: It's fundamentally unfair to concentrate environmental risks in areas where residents have the least resources and political power to fight back.
Cumulative Impacts: Poor areas often face multiple sources of pollution, leading to a higher overall burden and greater health risks.
Health disparities: These communities often experience higher rates of chronic diseases such as asthma, cancer, heart disease, and developmental problems.
This is due to their increased exposure to pollutants in the air, water, and soil.
Missed Economic Opportunities: Businesses may be hesitant to invest in areas with high pollution levels, hindering economic development.

LACK OF DUE PROCESS:

The original 566,905 square foot single building "Proposed Project" was described and analyzed in the Draft EIR, along with three project alternatives: No Development Alternative, Multi-Building Alternative, and Reduced Building Footprint Alternative. In the Fall of 2024 (shortly after California Assembly Bill (AB) 98 was signed into law), the Multi-Building Alternative was significantly modified by the developer with new building sizes, a new North-South orientation, and reduced number of truck terminals.

The release of the Final EIR on January 10, 2025 (CEQA's website) was the public's first published confirmation of this new Multi-Building Truck Bay Reduction Alternative (MBTRA). Yet, there was NO INDICATION that it was now the favored project design.

As the timeline rapidly narrowed, there was no formal opportunity for public response to the developer regarding the new North-South orientation. (*Note: the new North-South orientation severely impacts sound waves as they escalate up to hillside residences.) According to the City's Planning Department's email on January 13, 2025 public comment would be at the actual Planning Commission Meeting on February 10, 2025. Given there was no opportunity to comment until the date of the actual Planning Commission Meeting, there was not true due process.

Additionally, the City Planning Department Staff Report's *recommendation* of the MBTRA design (fourth iteration), was only made available to the public when the Agenda was posted on February 6, 2025; a mere 4 days before the decisive February 10, 2025 Planning Commission Meeting. This also did not provide the public adequate time to analyze or challenge the Staff's recommendation of this fourth iteration.

SPECIFIC ENTITLEMENTS REGARDING THE LEGAL RIGHTS OF THE PROPERTY (e.g. Permits, Licenses, Zoning):

Given the historical zoning designation of this land, the previous 60+ year tenant, and the proximity to the Oceanside Municipal Airport runway, Article 13 of the City's Zoning Ordinance should stand as is. Additionally, the General Plan land use designation of Light Industrial (LI) and a Zoning Designation of Limited Industrial (IL), is appropriate. **These facts are not contested.**

HOWEVER, THE EDDIE JONES DISCRETIONARY PROJECT'S
PC RESOLUTION NO. 2025-P04 + PC RESOLUTION NO. 2025-P05

SHOULD HAVE BEEN DENIED

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 on the premises at one time.

a. **The Planning Commission should have followed the City's established Zoning Regulation.** The City has an obligation to balance resources for all stakeholders in the community.
b. Limiting the number to six (6) heavy trucks at this facility at one time, has the following advantages:

i. ***Aligns with the historical use of the property*** which was a 172,300 square foot industrial manufacturing facility in operation at this location for 60+ years. (*Note: The previous facility maintained extensive grass open space, with a grove of mature Eucalyptus trees.)

ii. ***Aligns with ALL other Light Industrial buildings south of the Airport runway, and south of Highway 76.*** Constructing more of the same kind of buildings would be most welcomed. That is, a variety of industrial buildings with production areas, grade level doors to accommodate light trucks and delivery vehicles (NOT heavy trucks.)

** Article 13 Zoning Ordinance applies to all industrial south of the Airport and south of Highway 76, why should Eddie Jones Discretionary Project be the exception?

iii. Aligns with the fact that California State CALTRANS has confirmed, **there are no future CALTRANS funds earmarked for any road / traffic improvements** at the intersection of Highway 76 and Benet Rd.

iv. Aligns ***with the City of Oceanside's resources and budget to maintain and service roads*** due to repetitive heavy truck leading to / from this Project site. *Note: Since the

Discretionary Project would contribute traffic to a failing intersection (moves the LOS of the intersection at Benet Rd & Highway 76 from Grade D → F), the Project would be subject to a fair share monetary contribution in the amount of only $50,000 – **which is a paltry sum compared to the cost the City will incur due to excess wear and tear of roads IN PERPETUITY...**

v. Aligns with the ***tourist-centric recreational activities downwind, and ecologically sensitive wildlife areas immediately adjacent*** to this Discretionary Project site.

CONCLUSION:

The Planning Commission's approval of the Eddie Jones Discretionary Project's PC Resolution No. 2025-P04 + PC Resolution No. 2025-P05 should be reversed.

The City's existing Article 13 of the Zoning Ordinance should stand, as is.

In reviewing the City Council's Mission Statement, the Council represents the City's citizens, ensuring "*...that Oceanside is a desirable place to live, work, do business and to visit.*" Given all the pros & cons of the Eddie Jones Discretionary Project, it is hard to understand how this project *"... serves the best interests of all citizens."* Instead, it benefits external private equity investors (The Carlyle Group of Washington DC) and harms Oceanside residents and tourists.

Lastly, the Council has an established precedent, having rejecting the warehouse distribution center proposed near Oceanside's Saint Cloud community; a proposal only a fraction of the size of this Eddie Jones Discretionary Project. The City Council unanimously rejected the project out of concern that it would disrupt the quality of life of residents in the area. That project was essentially just ONE of the four (4) buildings being proposed as part of this Eddie Jones Discretionary Project. The Airport Community deserves the same consideration as the Saint Cloud Community.

SIGNATURES IN SUPPORT OF THIS APPEAL:

With this Appeal Letter we submit 373 signatures obtained DURING the short eight (8) day period: Feb 11, 2025 to Feb 18, 2025

24 volunteers asked residents of the 236 homes within the 1500 feet notification area

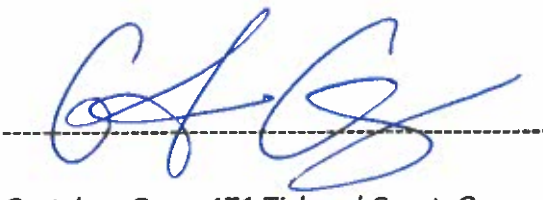
236 homes approached
-34 not home
202 available responses ⇨ **200 residents signed "NO" (99%)**
2 said they liked the project (<1%)

Signatures were also obtained from businesses in the Airport Community and residents of the *Prince of Peace Abbey*

Our Appeal is based on this Appeal Letter + ALL content in accompanying Exhibits (whether cited specifically or not), all written communications to the Planning Department, all audio/video recordings of proceedings before the City Council & Planning Commission, and all other records regarding this Discretionary Project maintained by the City of Oceanside and the City of Oceanside Planning Department, 300 North Coast Highway, Oceanside, California 92054.

Any portion of this Appeal Letter found to be unintentionally inaccurate does not invalidate any other section of this document or its Exhibits.

Thank you for your consideration,



2/19/2025

Gretchen Gary, 471 Tishmal Court, Oceanside, CA
Resident, representing the 236 residents within 1500 feet of the Project site's notification area.

*(*On a personal note: I am the Appellant of this letter and my master bedroom has unobstructed panoramic views of the property from all windows and balcony. Allowing a project like this to be built, invites full scale disruption to everyone's quality of life - both my family, as well as that of all my neighbors,* ***included those beyond*** *1500 feet of the project site.)*

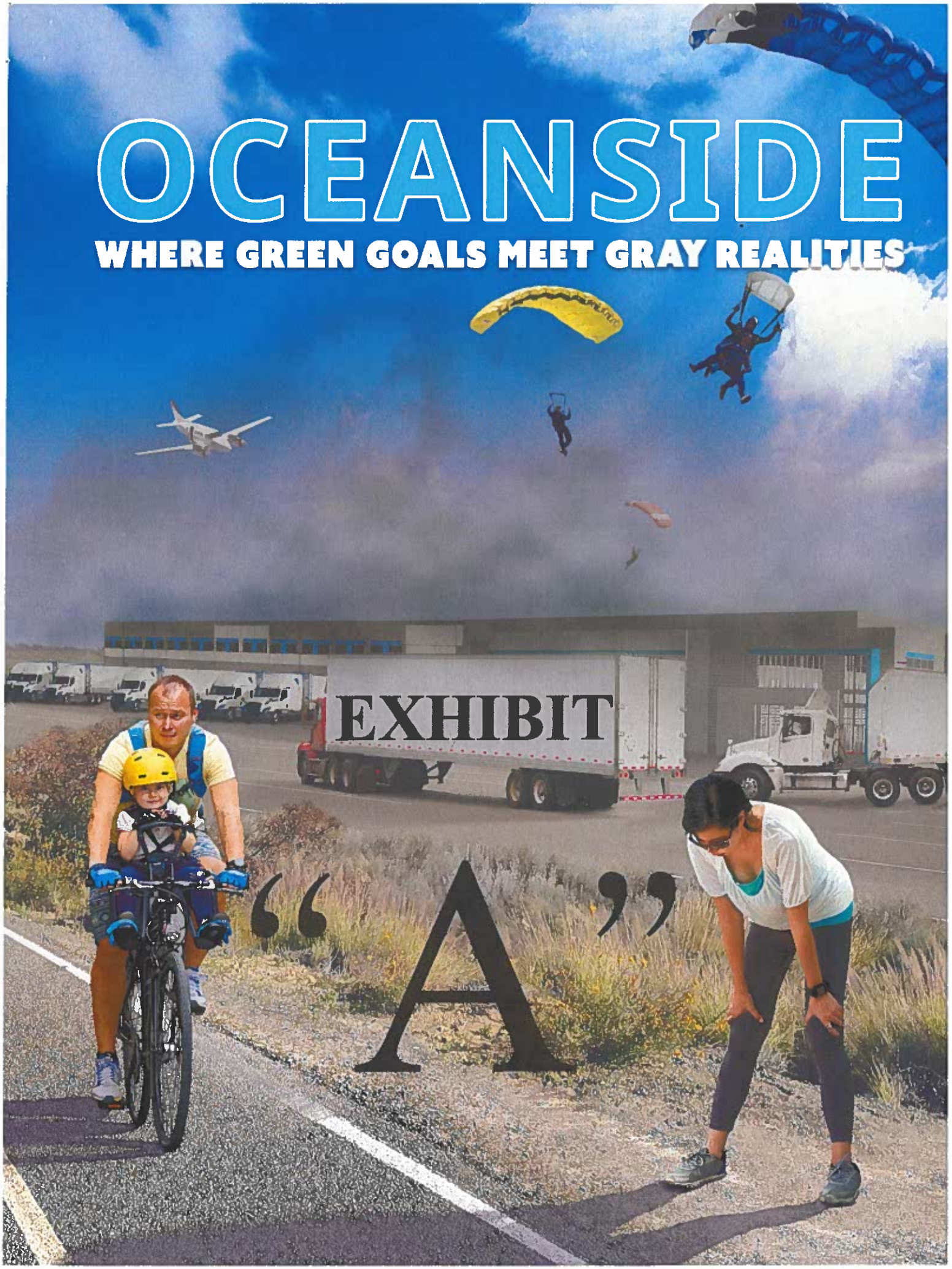
EXHIBITS

TABLE OF CONTENTS:

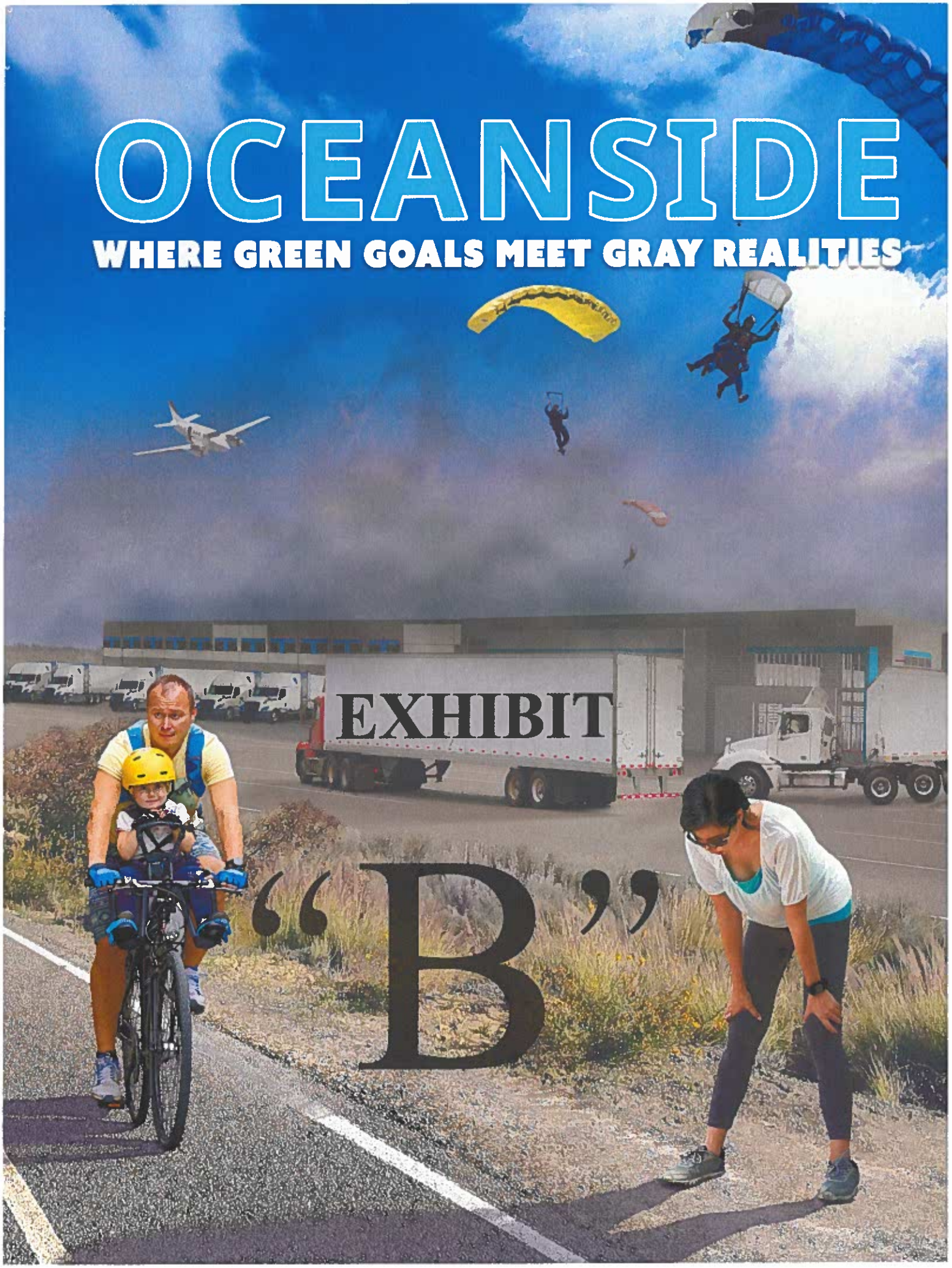
EXHIBIT I:
CUMULATIVE IMPACT OF POLLUTANTS WITH NEARBY OCEANSIDE AIRPORT
Cumulative Lead Dibromide Analysis

EXHIBIT J:
UNRESOLVED AIR QUALITY ISSUES
Attorney Letter: Advocates for the Environment

EXHIBIT K:
UNRESOLVED AIR QUALITY ISSUES
Attorney Letter (Mooney) & Environmental Permitting Specialist Technical Memorandum


OCEANSIDE
WHERE GREEN GOALS MEET GRAY REALITIES
EXHIBIT
"A"


HUULA DR
VIEW DR
TOOPAL DR
BENEVILLE RD
WEST AIRPORT RD
ALEX RD
FOUSSAT RD
AIRPORT RD
ROYMAR RD
PRODUCTION AVE
MISSION AVE
VIA DEL MONTE
VIA DEL NORTE
VIA EL CENIT
CAROLYN CIR
ROBERTA


OCEANSIDE
WHERE GREEN GOALS MEET GRAY REALITIES
EXHIBIT
"B"

TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS LOCAL UNION No. 542

San Diego and Imperial Counties, California
and the City of Yuma, Arizona

Affiliated with
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Jaime Vasquez
Secretary-Treasurer
Dwayne Garrett
President
Mike West
Vice-President
Lynda Linville
Recording Secretary
Robert Moreno II
Trustee
Ed Swank
Trustee
Jennie Vasquez
Trustee

Rob Dmohowski
Principal Planner
City of Oceanside's Planning Division
300 North Coast Highway
Oceanside, California 92054

RE: Eddie Jones Warehouse Project, SCH# 2022070365

I. Introduction

This comment letter is submitted to the City of Oceanside in reference to the Draft Environmental Impact Report (DEIR) prepared for the "Eddie Jones Warehouse Project," and the associated entitlements. We reserve the right to clarify and supplement these comments as permitted by law and do not waive any issue or matter omitted herein as a result of error or omission by the City of Oceanside or the Applicant.

We are submitting this letter on behalf of Teamsters Local 542. We represent over 6,000 warehouse, logistics, delivery and related workers in San Diego County, including in Oceanside. As both residents of the community and workers in the industry, Teamsters have consistently organized to make sure that their industry is both a good employer and a good neighbor. We are committed to making this industry safe for its workers and its neighbors. We urge the City to refrain from adopting the DEIR and approving any related entitlements until further study is conducted and adequate mitigation measures are proposed and adopted. Our reasons are set forth below. Thank you for your consideration.

II. Project Setting and Background

A. The Project

The proposed project would be located on an approximately 31.79-acre site at 250 Eddy Jones Way in the City of Oceanside. The project site is located within the "Airport Neighborhood Planning Area" and is bound by the Oceanside Municipal Airport to the south, Benet Road to the west, the San Luis Rey River and recreational trail to the north, and vacant light industrial land to the east. The terminus of Alex Road also connects to the site at its northeast corner. The project site is approximately 900 feet north of the State Route 76 corridor. A vacant 172,300-square-foot industrial manufacturing facility was previously located on site prior to demolition in 2022; this would be replaced by over half a million square feet of industrial usage. The General Plan designation for the property is Light Industrial (LI), with the associated zoning category of Limited Industrial (IL).

Based on public reporting and statements by the developer, the proposed project consists of redevelopment of the project site with a new 566,905-square-foot "warehouse and distribution facility." The proposed warehouse and distribution facility would consist of 369,415 square feet of warehouse area; 158,320 square feet of manufacturing space; and 39,170 square feet of office area, designed as a single building that could support multitenant occupancies.

Development of the proposed project would include 590 parking spaces for employee/visitor parking, 60 truck trailer parking stalls, and a vehicle circulation area. Loading bays are proposed on the north and south sides of the building, with a total of 114 truck terminals. The north side truck terminals would be facing the abutting San Luis Rey River. Access to the project site would be maintained and improved as necessary, with existing access points from Alex Road at the northeast corner and Benet Road at the southwest corner.

B. The Surrounding Area

The DEIR describes the area surrounding the site as follows:

> The proposed project site is bound by the Oceanside Municipal Airport to the south, Benet Road to the west, the San Luis Ray River and recreational trail to the north and vacant light industrial land to the east. The terminus of Alex Road also connects to the site at its northeast corner. The project site is approximately 900 feet north of the Highway 76 corridor. The property was previously occupied by an approximate 172,300 square foot industrial manufacturing facility which was vacated in the summer of 2021 and demolished in 2022.

There is no mention, throughout the DEIR, of the Wanis View nature preserve area, north of the site, which has an ecological connection to the Mauro Preserve area. These two preserve areas, which also connect to the San Luis Rey River which directly abuts the site, are part of years-long efforts to reclaim land and return them to their natural, pre-settlement condition. Both the Wanis View and Andy Mauro preserves have received hundreds of thousands, up to millions, of dollars of investment in returning them to their pre-settlement condition and, importantly, have served as bird-sanctuaries, helping to return threatened species to the area. *See e.g.,* Nelson, Samantha, "Returning nature to its native roots," The Coast News, September 13, 2019 (retrieved November 20, 2023).

In fact, with minor exceptions, the DEIR throughout its length focuses entirely too narrowly on the Site itself, despite the fact that it is situated so closely to at least one existing residential area, a developing residential area (i.e., the Ocean Kamp development), a river, and several wildlife and nature preserves, specifically, the Wanis View and Andy Mauro preserves and bird sanctuaries. This failure to adequately describe with sufficient specificity the surrounding area's sensitivities, amounts to a legal inadequacy.

III. The Draft EIR is Inadequate as a Matter of Law and Policy

A. Standard of Review

The EIR is the "heart" of CEQA. *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 511. This concept is repeated often because the purpose of CEQA is not to act as a comprehensive regulatory scheme for every possible area of environmental impact, but instead to provide the public and decision makers with adequate information to make reasoned and informed decisions on projects and their potential impacts on the environment. *Id.* This statutory purpose means that where there is conflicting evidence between which a local agency (such as the City of Oceanside) must choose, there is significant deference afforded to the local agency. However, when it comes to the *adequacy* of an EIR, less deference is required. *Sierra Watch v. Cty. of Placer*, 69 Cal. App. 5th 86, 95 (2021).

Therefore, a local agency should carefully consider whether an EIR has been adequately prepared; while deference by local decision-makers to the technical expertise of the preparers of an EIR is natural, the regulatory and legal adequacy in terms of what has been studied and the range of potential impacts should be carefully considered.

B. Project Setting - Inadequacy

An EIR's nature as an information document means that properly situating a project in its environmental context is critical. *Sierra Watch v. Cty. of Placer*, 69 Cal. App. 5th 86, 95-96 (2021). An agency must, in its EIR, "include a description of the physical environmental conditions in the vicinity of the project," which is referred to as the project's "environmental setting." (CEQA Guidelines, § 15125, subd. (a).) This description of the environmental setting often focuses on the

existing environmental conditions in the immediate vicinity of the project. But because "[k]nowledge of the regional setting is critical to the assessment of environmental impacts," this description should also place "[s]pecial emphasis ... on environmental resources that are rare or unique to that *region* and would be affected by the project." (CEQA Guidelines, § 15125, subd. (c) (emphasis added). The agency must normally then use this description of the existing environmental setting as the "baseline against which predicted effects [of the project] can be described and quantified." *Sierra Watch, supra*, citing *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447 (plur. opn.); *see* CEQA Guidelines, § 15125, subd. (a) ("This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.").

Courts have repeatedly held that where an EIR contains an "inadequate description of the environmental setting for the project, a proper analysis of project impacts [i]s impossible." *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1122 (invalidating EIR with only passing references to surrounding viticulture); *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873-75 (EIR's description of environmental setting failed to describe regional setting for water diversions). Thus, if an EIR fails to include adequate information on the environmental setting that allows readers to understand the sensitivity of resources at stake, "prejudice is presumed." *Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1236-37 ("*Board of Forestry*").

For the present case, the court's decision in *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 729 ("*Raptor*") is particularly apt. The project at issue there included 633 homes, a commercial area, and a park. *Id.* at 718. The project site lay near a wetland wildlife preserve, and a project park was situated adjacent to the San Joaquin River. *Id.*

at 724. The EIR purported to evaluate the development's impacts on waterfowl and other resources in the project area. *Id.* at 729. However, the court found that the EIR's information on the environmental setting was "incomplete and misleading" because it included little reference to the sensitive riparian resources in the *region*. *Id.* at 723-29. This omission violated CEQA as it "precludes this court from concluding that all the environmental impacts of the development project were identified and analyzed in the FEIR." *Id.* at 729; *see also Cadiz Land Co., Inc. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 92-95 (invalidating EIR for failing to provide contextual information regarding underlying aquifer and thereby precluding evaluation of "how soon depletion will occur" of this "valuable and relatively scarce resource in the region").

The project setting description, or descriptions, throughout the DEIR are inadequate because they do not sufficiently incorporate any description of sensitive and protected nature reserves near the Site–and, importantly, along the identified trucking routes for the Project.

The DEIR's failure to adequately describe–or, indeed, even allude to–these nearby nature preserves raises serious questions about the adequacy of the entire document. The Wanis View and Mauro preserve have, as just one example, seemingly been effective in beginning to bring back populations of the coastal gnatcatcher, a federally threatened species that is also listed as a California Department of Wildlife species of special concern (SSC), thanks to the reintroduction of plant species on which they rely. Details of this restoration plan are public, and importantly, not speculative.[1] The Buena Vista Audubon Society (BVAS) has received cooperation and resources from the federal government, through the United States Marine Corps, to preserve and restore this land.

[1] See e.g., https://bvaudubon.org/wp-content/uploads/2021/01/Julies-restoration-details-for-website_FINAL.pdf

These nature reserves sit within two miles just north of the site, and share two roads that will service the Project, Benet Road and Alex Road. Importantly, these protected areas have been in development over the last handful of years, and therefore were not necessarily studied when the previous tenant of the project site was built.

As one example of the deficiency of the environmental setting description, the DEIR alludes to the gnatcatcher, acknowledging it is federally threatened and a CDW SSC. The gnatcatcher is a regionally native species. However, because no gnatcatchers, or the brush on which they rely, were observed "on the site," no further analysis was conducted as to the possible impact of the Project. (DEIR at 4.3-5) (the gnatcatcher "was not observed *on site* during the reconnaissance survey, and there is no suitable habitat for this species *on the project site*.") (emphasis added).

Another example of this failure to adequately set the baseline environmental setting is absence of adequate discussion of the San Luis Rey River, and in particular its fluctuating water levels. There does not seem to be any differential analysis that acknowledges the significant change in water levels of the San Luis Rey River at different times of the year.

The below images show the differing potential water levels at dry versus rainy times of year.

Runoff from urban impervious surfaces into the river and emptying into the Pacific Ocean have recently been blamed for dangerously high bacterial counts at Oceanside beaches.[2] As identified in the DEIR, the site directly abuts the San Luis Rey River, however analysis seems to have been limited to the dry season.

C. Traffic Analysis - Inadequacy - Classification

The assumptions incorporated into the DEIR's traffic analysis does not adequately capture the type of facilities actually permitted for the Project. (DEIR Appx. J at 30). The EIR's traffic study is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual's classification of uses. Specifically, the "High Cube Warehouse" (HCW) use. The traffic defines a HCW as follows:

> A high-cube warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to *retail locations or other warehouses*. (emphasis added)

This definition is taken directly from a 2016 ITE analysis.[3] Given the potential uses for the site–and the fact that there is defined tenant for the site yet–this presumption underlying the traffic analysis is inadequate. This leaves the entire VMT/transportation inadequate.

The underlying inadequacy comes from the fact that "distribution facility" high cube warehouses are interstitial nodes in a logistical system–i.e., they sort and prepare packages for delivery to "retail locations" and "other warehouses," from where they will be purchased by

[2] See e.g., https://www.sandiegouniontribune.com/communities/north-county/oceanside/story/2023-07-06/urban-runoff-likely-culprit-that-prompted-oceanside-beach-advisory

[3] See e.g., https://www.ite.org/pub/?id=a3e6679a%2De3a8%2Dbf38%2D7f29%2D2961becdd498

consumers or re-sorted for delivery to consumers. But the site will be outfitted for and could potentially be used as a distribution facility for direct-to-consumer deliveries, which entails a different VMT profile. There are no restrictions currently in the EIR preventing the use of the site for this type of use.

The difference between a warehouse-to-warehouse facility and a warehouse-to-consumer (or "last mile") facility is that the type, frequency, and routes of vehicles miles generated by the latter are inherently different. Commercial vans and passenger vehicles are used for direct-to-consumer deliveries. Because the deliveries are going to residential areas, the vehicle miles traveled are not as predictable or fixed because they will fluctuate with the season, the total level of retail demand in the economy, and routes will be determined by residential purchasing patterns. New residential developments nearby a "last-mile" type facility will naturally increase demand and therefore VMT.

The use of this underlying assumption would not necessarily cause a problem for the CEQA analysis, except that there is nothing in the entitlements to be issued to the project, or in the EIR itself, that limits the use of the site to the land use studied in the traffic analysis. While an EIR does not need to study every possibility, reasonably foreseeable uses must be studied. This is a well-tested and long-established principle of CEQA: that development that can "foreseeably" result from the entitlements associated with an EIR must be considered and studied. *See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 396 (1988). Typically an EIR preparer handles this requirement by considering the most-intense use or mix of uses being entitled. However in this instance, the preparer studied *an* intense use, but by failing to consider a different character of use, did not study foreseeable impacts.

"Last-mile" type facilities are qualitatively distinct because of the mix of vehicles used for deliveries, which include passenger vehicles–i.e., vehicles owned by employees (or "gig" workers who complete deliveries on a frictional or occasional basis). The existence of a "last-mile" type facility has been known to cause unique impacts. A recent study completed for the journal *Research in Transportation Economics*, demonstrated quantitatively and qualitatively that home delivery of packages has unique impacts on residential areas.[4] A proposed use that will specifically send vehicles, including passenger vehicles and commercial vans, into residential areas where there are "sensitive receptors" such as homes for the elderly, schools, children, hospitals, etc., naturally will have a different impact particularly over the long term, from a facility that sends freight over essentially settled routes to fixed facilities in industrial/warehousing and densely commercial zones.

It may well be that that such a use does not have a different aggregate impact on vehicle miles traveled, air quality, use of public resources (such as emergency response and public safety response), etc., but that is a distinct question. When considering the *adequacy* of an EIR, as opposed to the substantiveness of the evidence within it, the local agency should err on the side of requiring more completeness.

D. Traffic Analysis - Inadequacy - Mitigation Measure

The inadequacy of the proposed mitigation measure for the transportation impact is directly related to the foregoing issue of classification and study of the proposed use.

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[4] Travis Fried, Rishi Verma, Anne Goodchild, "Ecommerce and environmental justice in metro Seattle," *Research in Transportation Economics*, Volume 103, 2024, 101382, ISSN 0739-8859, https://doi.org/10.1016/j.retrec.2023.101382

The traffic analysis found that the VMT that would result from the project would exceed thresholds of significance by just under 3%. (DEIR Appx. J at 5). In order to bring this impact under thresholds of significance, the DEIR proposed a mitigation measure based on the San Diego Area Governments (SANDAG) "Mobility Management VMT Reduction Calculator," specifically a "Voluntary Employer Commute Program." (DEIR Appx. J at 7).

This mitigation measure fails in two respects: first, because it does not consider the potential that the facility could be used for "last-mile" delivery, i.e., delivery to home consumers; and second, because its voluntary nature is overly speculative.

First, the proposed mitigation does not adequately address how "employee"-focused mitigations (e.g., carpools etc.) can operate if the employment model requires a significant amount–or indeed, any substantial amount–of passenger vehicles be used for the operation of the facility's purpose (e.g., home delivery of packages). The use of passenger vehicles, or leased commercial vans, for home delivery of packages is standard industry practice. As of 2021, for example, Amazon used as many as 140,000 "flex" drivers (e.g., part-time drivers completing deliveries in their personal vehicles) in a two year period according to court filings.[5] The use of commercial vans is plainly necessary since semi-trailer trucks cannot make deliveries on residential roads. Therefore, "carpooling" and shared rides *to and from* a facility are not adequate to reduce vehicle miles traveled; a certain subset of employees will arrive at a facility, then leave again to make deliveries, either in their car or a commercial van.

The proposed mitigation measure is based on reducing the number of vehicle miles traveled by employees of the project to and from the site, by encouraging use of carpools, bicycles, and transit. (DEIR Appx. J at 7):

[5] https://www.cnet.com/tech/services-and-software/amazon-flex-drivers-to-receive-payments-in-61-million-tip-settlement/

> Future employers will be given an outline of employee commute trip reductions to include disseminating information about SANDAG's iCommute program, carpools, vanpools, subsidized or discounted transit passes, bike amenities, trip reduction marketing, and preferential parking permit program.

This is plainly inadequate in a scenario where some significant portion of those employees arrive at the facility not to stay and work for a full shift, but to pick up packages and leave again (and, potentially, to do so more than once per shift). Again, while a "last-mile" facility has not been confirmed for the site, *no* tenant has been confirmed for the site; and a "last-mile" type facility would be legally entitled to operate without further environmental review. Therefore it must be considered a reasonably foreseeable use of the site, and one that this mitigation measure does not account for. As it is inadequate, it does not bring the VMT impact below the threshold of significance, and therefore is a significant impact that has not been mitigated and must be addressed with statement of overriding consideration or otherwise acknowledged as such for the public and decision-makers.

Secondly, this mitigation measure is overly speculative. Even if the measure was adequate despite the potential use of the site for home deliveries, this mitigation measure is completely voluntary; there are not even specific incentives spelled out in the EIR which would encourage the use of these VMT-mitigating practices, such as carpools, vanpools, etc. The SANDAG-provided mitigation tools does, presumably, include more specificity about available inducements, such as subsidies for transit, but these are not spelled out in the DEIR; and in any case, would remain voluntary on *two* levels; first, the employer would need to agree, and then the employees themselves would have to avail themselves of these alternatives. There is nothing in the DEIR which adequately addresses how or why such volunteering would occur.

This mitigation measure requires extensively more discussion to be adequate. While the SANDAG tool relies on census data, there is nothing in the DEIR which accounts for whether a

distribution facility of this type will be able to hire sufficiently from the surrounding such that, for example, any significant or substantial number of employees could commute to work via bicycle (especially given that access to the site is substantially via freeway). Warehouse logistics facilities are notorious for their high "churn" and turnover rate, which suggests that employees will, over the lifetime of the project, have to come from further and further away–or at least that the immediate vicinity of the site cannot be relied upon for the labor pool. Turnover rates in the industry are as high as 49%.[6] The median home price in Oceanside as of November 2023 is $899,000, up almost 13% year on year.[7] The average hourly earnings of workers in this sector, according to the Bureau of Labor Statistics, is $23.04 over 39 hours per week, or $898 per week. That amounts to less than $45,000 over a 50-week year, just over half of the median household income of Oceanside.[8] These relatively low wages strongly suggest that workers for the facility are unlikely to come from Oceanside itself–or that even if they do in the first year or so, the high rates of turnover will require any employer to look further and further out for employees.

There is no discussion of these factors in the mitigation measure, which simply assumes a static workforce concentrated enough that bicycling and carpooling (voluntarily, to boot) will have a meaningful impact on VMT. The mitigation measure is therefore inadequate.

IV. Conclusion

[6] See e.g., Miller, Jen A., *Supply Chain Drive* "Pay is only one piece of the warehouse worker retention puzzle"https://www.supplychaindive.com/news/pay-is-only-one-piece-of-the-warehouse-worker-retention-puzzle/625646/

[7] https://www.realtor.com/realestateandhomes-search/Oceanside_CA/overview

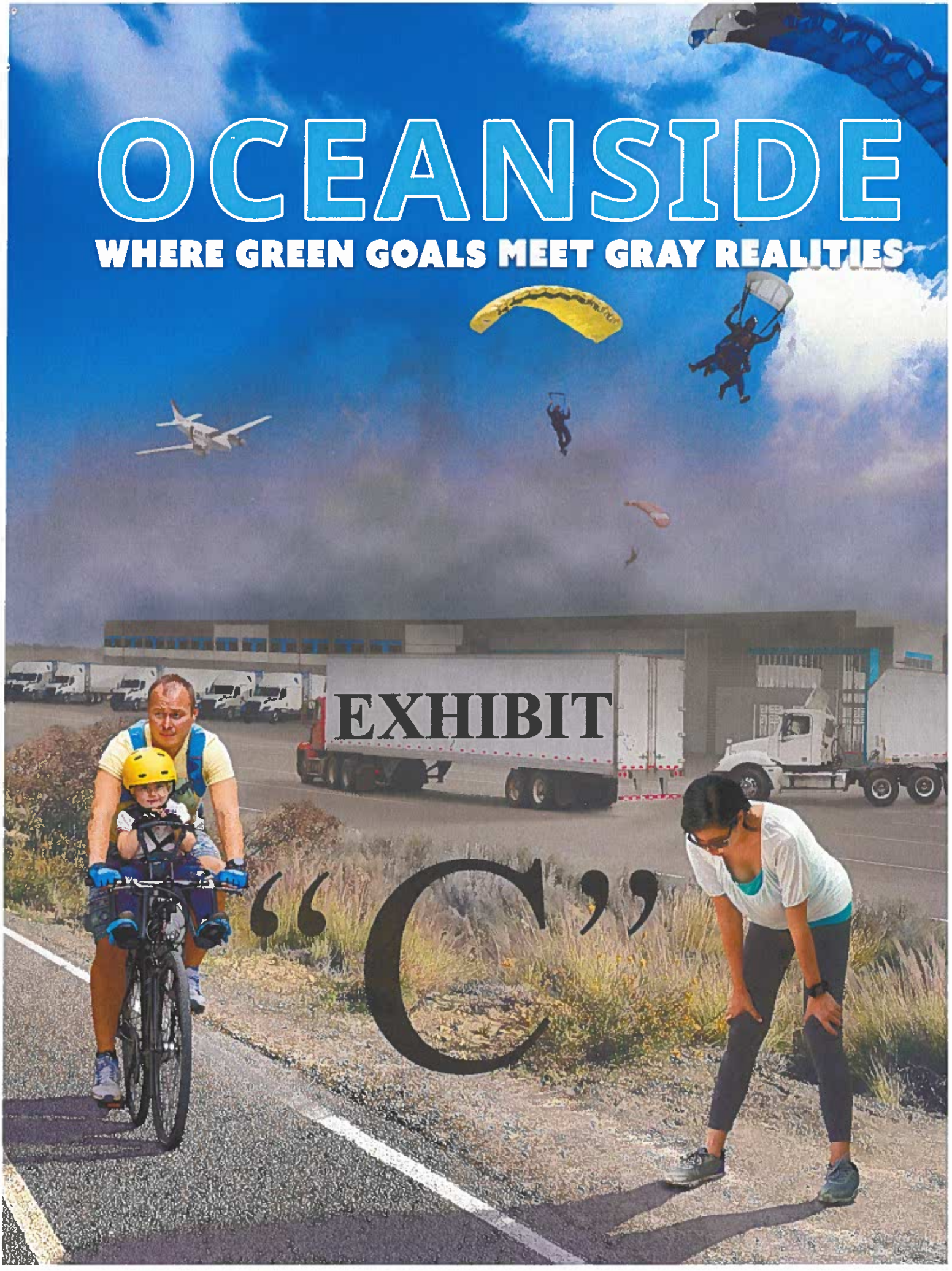
[8] https://www.census.gov/quickfacts/oceansidecitycalifornia

For all the foregoing reasons, the proposed DEIR is inadequate and the project requires further study. We strongly urge the City not to adopt the DEIR in its current state, and instead to require further, more specific study and mitigation measures adequate to the potential impacts.

Respectfully,

Salvador Abrica
Political Coordinator

SAN DIEGO OFFICE: 4666 MISSION GORGE PLACE, SAN DIEGO, CA 92120 • (619) 582-0542
P.O. BOX 600507 • SAN DIEGO, CA 92160 • FAX (619) 582-0059
EL CENTRO OFFICE: 2298 MERRILL CENTER DRIVE, EL CENTRO, CA 92243 • (760) 352-6571


OCEANSIDE
WHERE GREEN GOALS MEET GRAY REALITIES
EXHIBIT
"C"


1706-1718

Relatable Example

- BUSINESS PARK "OCEANSIDE GATEWAY" - 37 acres

  - Oceanside Blvd & Ord Way
  - Multiple multi-use industrial buildings with warehouses & office flex spaces
  - Highly functional warehouse clearance heights
  - Large grade-level doors
  - Design promotes growth of additional small businesses

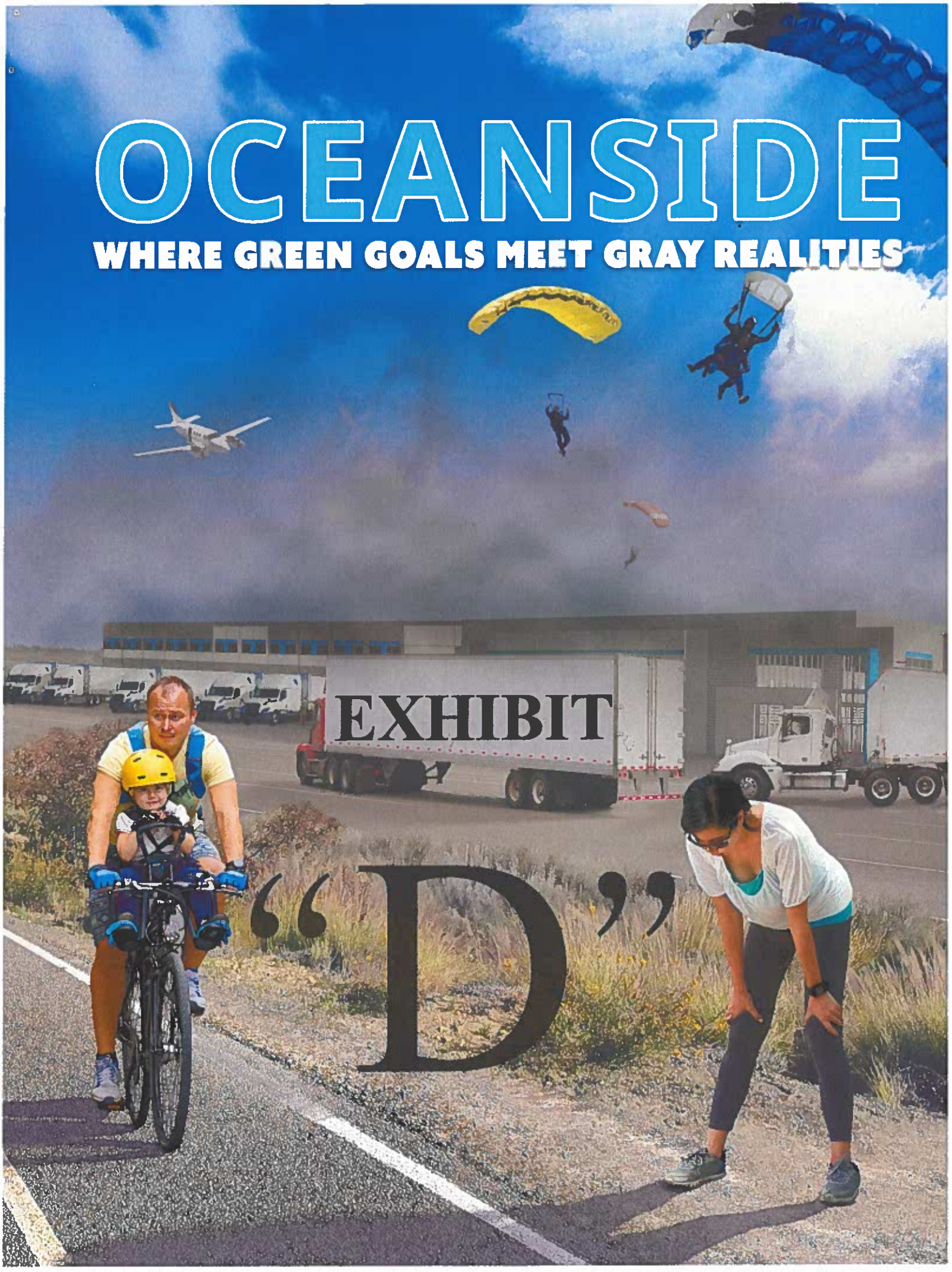

OCEANSIDE
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EXHIBIT
"D"

Response to the recently released Environmental Impact Report

(RAF PACIFICA GROUP)

Noise Issues with the Fourth Iteration of the Project

Prepared by Michael Tenhover (January 24, 2025)

The following memo describes concerns with the Fourth Iteration of the "eddie jones warehouse project" (the "Project"). The new building configuration has improved the noise impact for some parts of the area. However, ***the critical Wildlife region*** *in the adjacent San Luis Rey River and the* ***Wanis View homes*** *continue to have unacceptably high levels of noise from warehouse operations.*

Table of Contents

I. Major Issue with the EIR- Fourth Iteration- related to noise

a. Unacceptable levels of noise from warehouse operations are still present in the River and Wanis View Homes areas.

II. Noise levels for Fourth Iteration and other building layouts.

The Noise levels for the Fourth Iteration have been calculated (see Appendix 1). This includes the locations: River, Wanis View Homes, Wanis View Preserve, and Prince of Peace Abbey (see photo/diagram below)

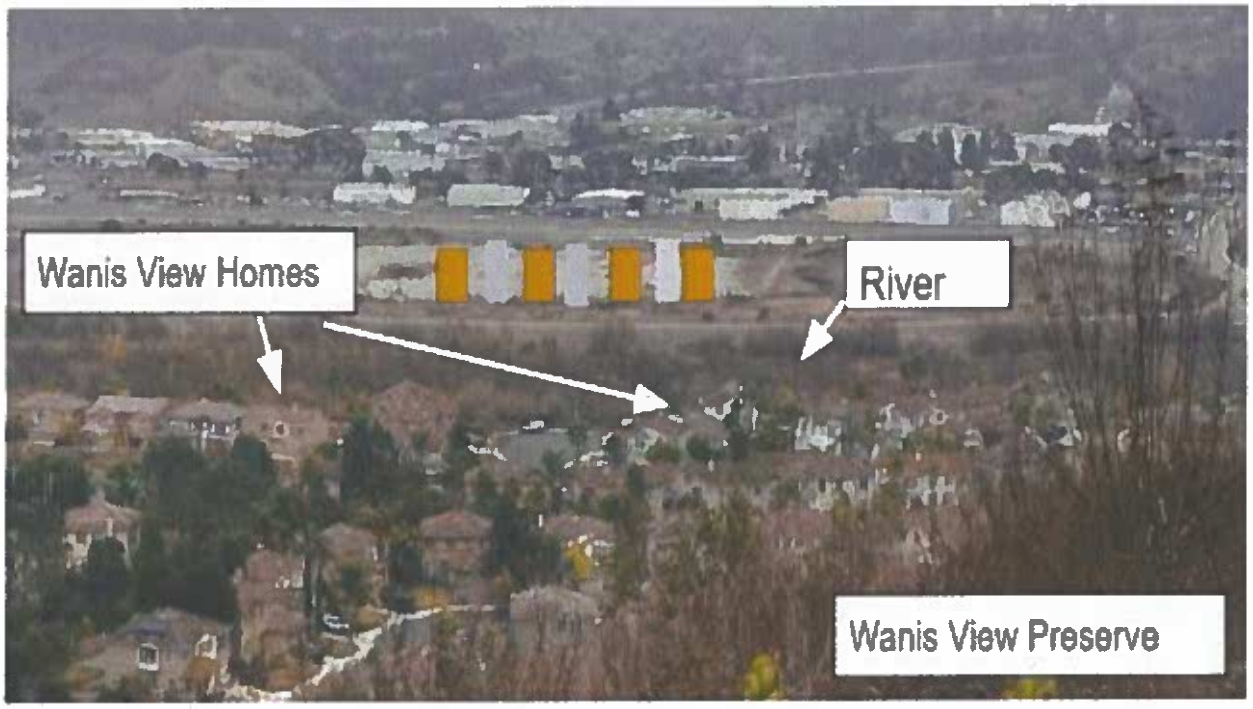


Figure 1. Photo of Project Site taken from the Wanis View Wildlife Preserve (.33.225231155953736, -117.3580229412305) The Fourth Iteration buildings (in brown) are shown with the proposed North-South Orientation.

Figure 2 shows the results of the calculations of noise levels for the original Project design [1], the Fourth Iteration (with 4 buildings going North to South) and a

modified Fourth Iteration (with the 4 buildings going from East to West). In general, the transition from the Original Design to the Fourth Iteration has improved the Noise situation.

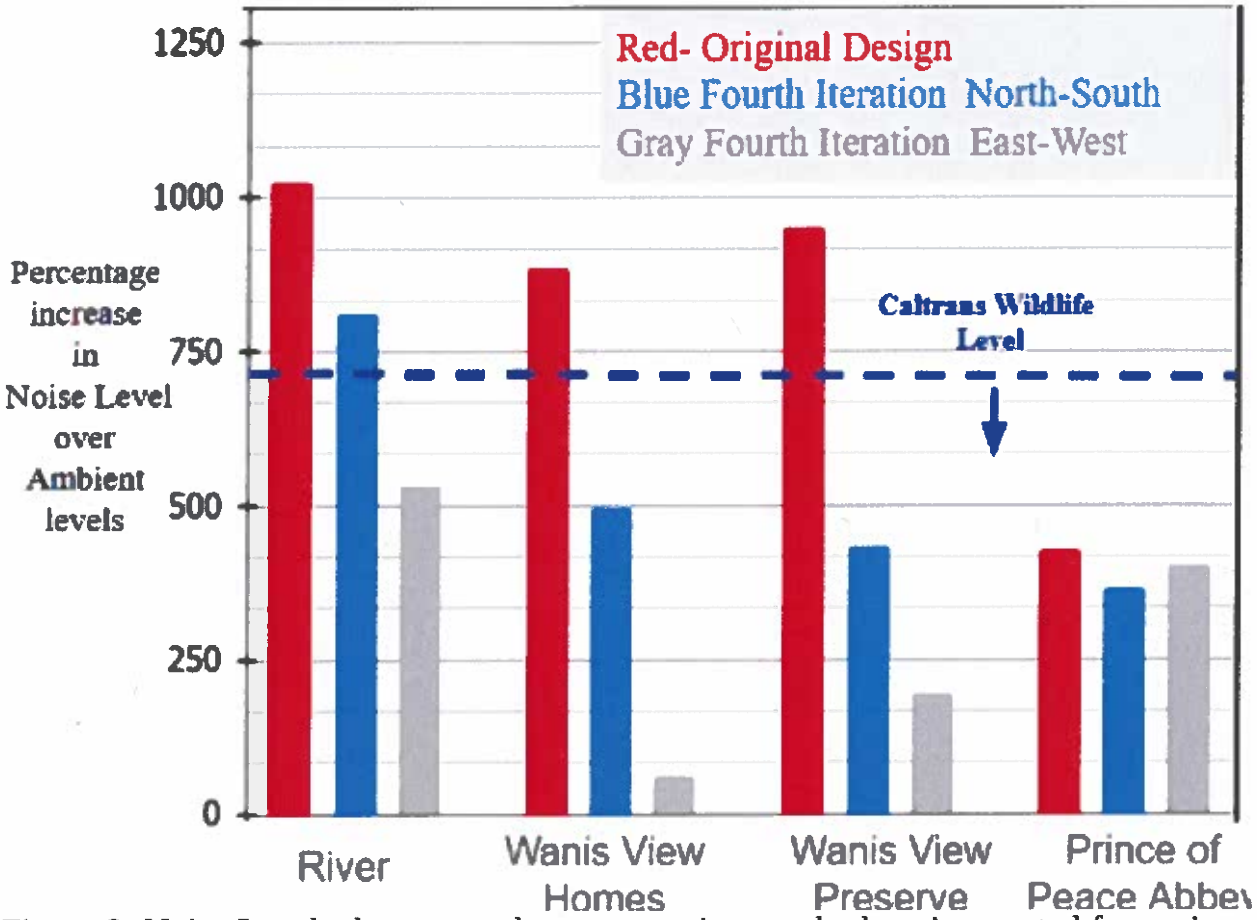


Figure 2. Noise Levels due to warehouse operations at the locations noted for various building layouts. Red is the original Project design. Blue is the Fourth Iteration design with the 4 buildings having a North-South orientation, and Gray is a modified Fourth Iteration with an East-West orientation for the 4 buildings.

In the case of River, the red and blue bars represent the area to the North of the Project, while the gray bar represents the area to the West of the Project.

Comments:

1. The Fourth Iteration continues to have unacceptable noise levels in the River area. (blue bar) This area is a critical component of the local wildlife biodiversity and wildlife corridor (see previous memo Dec 4, 2023 [1]). These noise levels exceed Caltrans guidelines for wildlife areas.

2. The noise levels for the River can be improved by adopting a modified Fourth Iteration with buildings going East to West. (gray bar) With this modification, the relevant section of the River is now West of the site. The distance is slightly larger in this case (from warehouse operations to River) and because of the road there, the ambient noise level is higher. Levels are still high but within Caltrans guidance.
3. The proposed Fourth Iteration has a high level of noise for the Wanis View Homes (blue bar).
4. The noise level for the Wanis View homes can be improved by changing the building layout to an East-West orientation (gray bar) when combined with other features (see section III. Recommendations, item 2 below)
5. Other layouts are possible for the Project that will have improved- lower noise levels than the North-South Fourth Iteration and the original design. (see section IV.)
6. The Fourth Iteration with either a North-South or East-West orientation has reduced the noise level for the Wanis View Preserve.
7. The noise levels for the Prince of Peace Abbey have not improved with the Fourth Iteration introduction.

III. Recommendations– Issues to be resolved.

1. **To resolve the Noise issue in the River area** a number of changes will be required. Changing the building layout to an East-West orientation improves the situation. In addition to this, other desirable measures to further lower the noise levels should be considered: These would include: 1) Strict restrictions on the number of trucks on-site at any specific time- a number

determined by Noise level calculations. 2) No truck travel along the North section of the Project- i.e. parallel to the River. 3) Restrictions on truck idling and forklift operations near the West ends of the channels . 4) No truck bays on the West section.

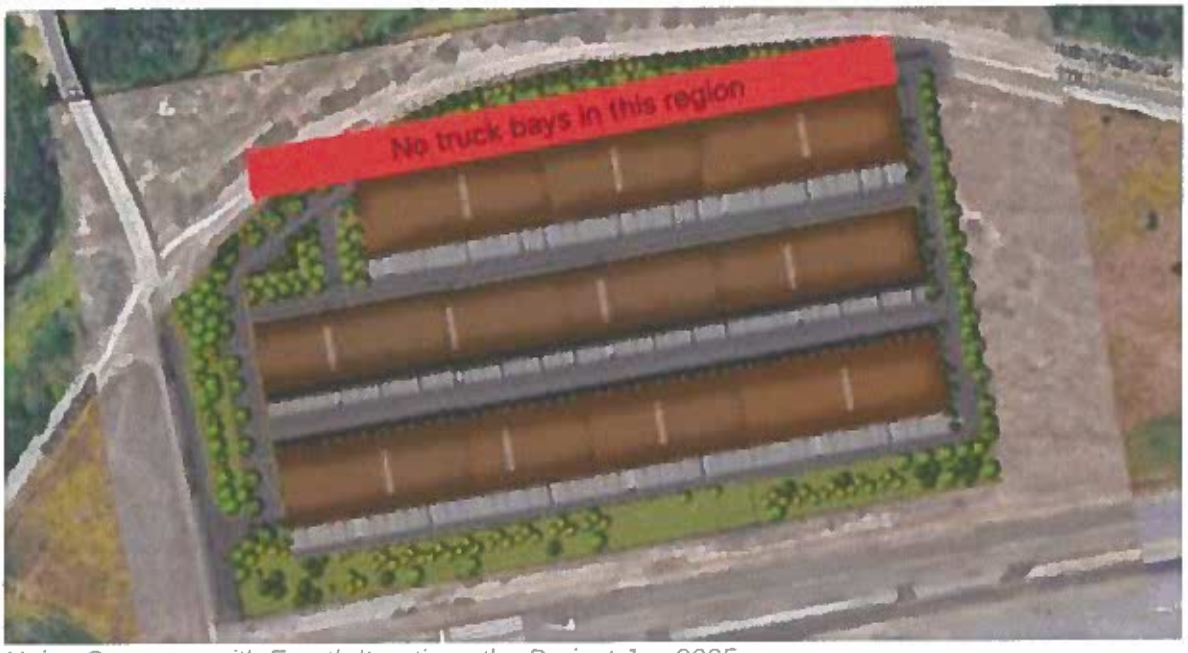
2. **To resolve the noise issue for the Wanis View homes**. The predicted, "worse case" noise values for the Fourth Iteration are not high enough to constitute a human health hazard. However they are high enough to impact the quality of life for the residents there. The Project should consider a design in which the buildings have an East-West orientation as long as no trucks move parallel to the River area in the extreme North section of the property. Truck movement

should be restricted to the areas between the buildings and the areas adjacent to the airport.

IV. Alternate Layouts for Fourth Iteration to address Noise Concerns: East West Layout

Good:

Better



Noise Concerns with Fourth Iteration– the Project Jan 2025

Appendix I. Modification of Noise Calculations for "Fourth Iteration" Parallel buildings with trucks, forklifts, etc. moving between them.

The Fourth Iteration introduces trucks, forklifts, etc. stationed and moving between four buildings (channels), three channels in total. This is substantially different from the original Project design and thus warrants a new look at expected noise levels. In this exercise, it is also assumed that fewer trucks will be moving, idling or other substantial noise generating activities along the North section of the Project than was in the Original design. If this is not the case, the calculations will need to be redone as

this will lead to a considerable increase in Noise for both the River and the Wanis View homes. Basic information used in the present memo is from reference 1.

The new problem with the Fourth Iteration to be addressed considers acoustic sources between buildings, which is approximated as a channel with vertical sides of finite height, parallel non-absorbing walls ($\alpha<<1$) and a once reflecting ground surface. This is similar to the problem of sound propagation in a tunnel or waveguide, in which reflections from the surrounding surfaces play an important role. [2-9] The effect of multiple reflections is modeled by the insertion of an infinite series of image sources for the acoustic source (rays). Each of the three channels of the Project (between the four separate buildings) are treated separately and added together with the usual methods.

According to the ray model, the acoustic power flow (P) across a channel cross-section at distance x from the source is obtained by the incoherent sum of the free space power flows from each of the image sources.

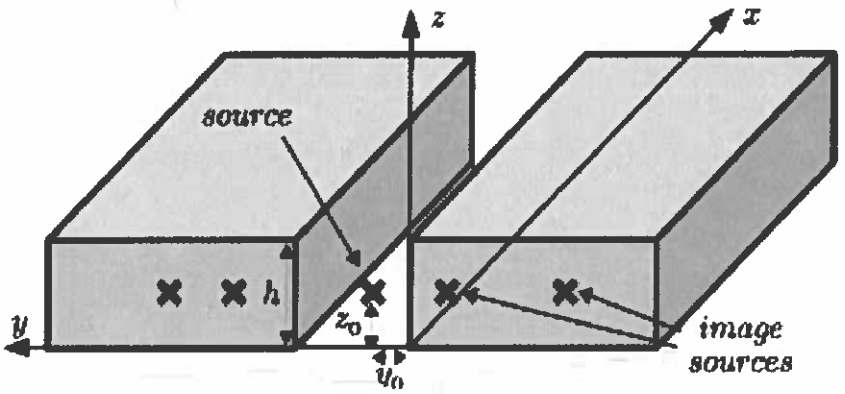
When x is much greater than h (building height) and with absorption at the walls ($\alpha > 0$) this can be approximated by:

$$P \sim \frac{2}{\pi} \int_0^{\frac{\pi}{2}} \frac{(1-\alpha)^{x \tan\theta}}{\sqrt{1+\left(\frac{x}{h\cos\theta}\right)^2}}\, d\theta.$$

The power flow (for constant building height-h, α <<1 and small values of z_0) which can be approximated as:

$$P = \frac{2}{\pi} \int_0^{\frac{\pi}{2}} \frac{1}{\sqrt{1+\left(\frac{x}{h\cos\theta}\right)^2}}\, d\theta$$

The various



quantities are defined in the adjacent diagram

$x = \cos\varphi \cos\theta,$

$y - y_0 = \cos\varphi \sin\theta,$

$z = \sin\varphi,$

Outside of the channels, the standard wave equation is used.

$$\nabla^2 p - \frac{1}{c^2}\frac{\partial^2 p}{\partial t^2} = 0$$

In which p is the acoustic pressure, c is the propagation speed , t is time.

The future owners/operators of the warehouse are unknown (at least not disclosed at the time of this note). The expected and future level of activity is also unknown. Still, a worst case for noise can be described.

Three figures of merit are relevant:

1. Number of active truck bays
2. The location of the bays in the Project
3. Time to unload/load the trucks.

With advances in automation, innovations in processing, the unload/load times are expected to drop over time and the level of activity of the warehouse could increase. The worst case would therefore be a quasi-continuous movement of trucks/forklifts/backup alerts accelerating, moving, idling, loading/unloading and moving between the four buildings of the Fourth Iteration. The results of this analysis

is shown in Figure 2 above.

Appendix II. Noise level calculations for original Project design memo:

Response to the recently released Draft Environmental Impact Report (RAF PACIFICA GROUP) Devastating Impact of a Proposed Warehouse Project on Essential Wildlife Corridors Prepared by Wanis View Wildlife Preserve Volunteers (submitted Dec 4, 2023) [1]

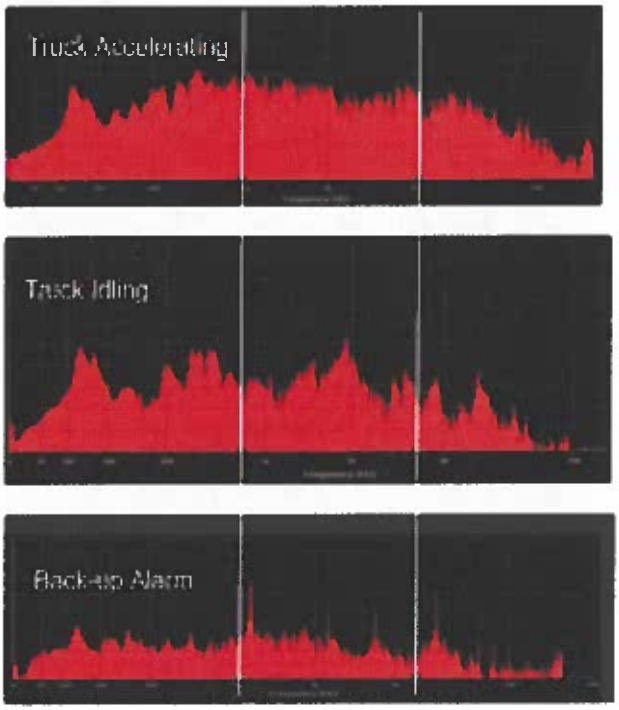
Relevant Section on Noise Calculations:

Inputs: Literature data, discussions with an industry expert, visits to nearby warehouse operations. Background sound levels were measured at the various locations, both at daytime and nighttime.

Truck Warehouses are very noisy places, some of the noise levels (at 50 feet) are:

Source	Sounds Level (dBa) at 50 feet
Truck Idle	80-96
Truck accelerating	90
Engine Noise	78
Exhaust Noise	88

Low speed truck movement	88
Compressors/exhaust fans/HVAC	95
Trailer Refrigeration Units	96-104
Back-up alarms	80



Frequency Spectrum of sounds produced in a diesel truck warehouse

The White bars show the part of the Spectrum that is most important for Birds and other wildlife

dBa values are related more to human hearing (frequency 2000 to 6000 Hz)

These three dominant sounds at a warehouse all produce considerable energy in the frequency range of importance for wildlife (1000-4000 Hz, the region inside the white vertical bars in the above figure). The back-up alarms are actually designed to produce sound at 1200 Hz making them highly problematic for wildlife. Note the low frequency contributions in the truck idling and truck accelerating charts.

A noise signal component can be characterized with four quantities: amplitude, frequency content, time, and phase. It can be mathematically described as

$$x(t)=\sum a_i \cos(\omega_i t+\alpha_i)+\sum\sum b_{ij}(t)u(t-t_j)\times\cos(\omega_{ij}t+\alpha_{ij})$$

where a_i and $b_{ij}(t)$ denote the amplitude of a signal component, ω_i and ω_{ij} represent the frequency, u(t) is the step function, t_j is the instant at which an event occurs, and a_i and a_{ij} are phases of signal components.

The subject calculations are three dimensional in nature, but ignore some acoustic effects related to the terrain and topography of the nearby hills and canyons. The

nature of the ground in nearby areas would tend to reflect and perhaps focus some of the acoustic energy. The current calculations consider only noise from these sources: trucks accelerating, trucks idling, HVAC, back-up alarms. Other noise sources will depend on the specifics of the warehouse operations. For example, significant additional noise will be present if refrigerated operations are in place.

The usual correction factor for vegetation is applied to the final results. This does not completely exist now, but it is assumed the warehouse developer could add this to help reduce noise levels. The existing vegetation along the Wanis Nature trail is included. The ground-level (road surface) of the warehouse would be some 8-10 meters above sea level. The San Luis Rey river in that region is 4-5 meters above sea level. The Wanis nature trail is 14 meters above sea level. The Wanis View Preserve ranges from 8 to 60 meters above sea level.

Two Cases Considered:

1. Worst Case— assumptions and rationale.

The wildlife preserves and corridors are meant to function forever. The Wanis View Preserve agreement terms are “in perpetuity”. We cannot predict the future owners/operators of the warehouse and thus the level of activity. Still, a worst case for noise can be described. Two figures of merit are relevant. One is the possible numbers of truck bays and the other is the time to unload/load the trucks. With advances in automation, innovations in processing, the unload/load times are expected to drop over time and the level of activity of the warehouse could increase. The worst case would therefore be a quasi-continuous movement of trucks accelerating, moving, idling, loading/unloading, pausing as they move to enter/exit

the warehouse.

2, Typical Case– assumptions and rationale.

A typical case is considered in which there are on average 2 trucks pulling in/out of the facility, 4 trucks idling, HVAC, and 4 back-up alarms in use.

$$\nabla^2 p - \frac{1}{c^2}\frac{\partial^2 p}{\partial t^2} = 0$$

Calculation Details: The starting point for the calculations is solving the standard wave equation:

In which p is the acoustic pressure, c is the propagation speed , t is time.

In evaluating the **Worst Case**, the continuous movement of trucks gives a cylindrical symmetry to the acoustic source (line sources parallel to the river basin). The form of p (r,t) in this case is best expressed by the H_0 and H_1 Hankel functions.

Location	Distance (feet)	Calculated Noise Level Increase
River	340	1025%
Wanis Nature Trail	1179	944%
Wanis View Preserve	1790	954%

Typical Case. This is a case in which a number of effectively point sound sources are distributed in space. These sources will be uncorrelated. Each of these point sources emit spherically symmetric acoustic waves with a boundary condition (reflection) on the hard ground surface as well as the building itself.

Location	Distance (feet)	Calculated Noise Level Increase

River	340	1012%
Wanis Nature Trail	1179	398%
Wanis View Preserve	1790	0%

Confirmation of Methodology used in this analysis.

The reliability of the current calculation methods was checked by comparing them to measurements over the area in question. Hwy 76 was used as a noise source (cylindrically symmetric source) located south of the warehouse. The measurements were conducted north of the warehouse site, so this includes all the terrain in question. The sound intensity was measured at various distances from Hwy 76 during early morning rush hour. (This corresponds to 76 dBa at 50 feet). Measurements at various locations were done in the absence of aircraft, wind and bird noise). Background noise levels were measured at early morning hours with minimal traffic on Hwy 76. At Rush Hour:

2400 feet from Hwy 76	Increase in Noise Level
Measurement	288%
Calculation	264%

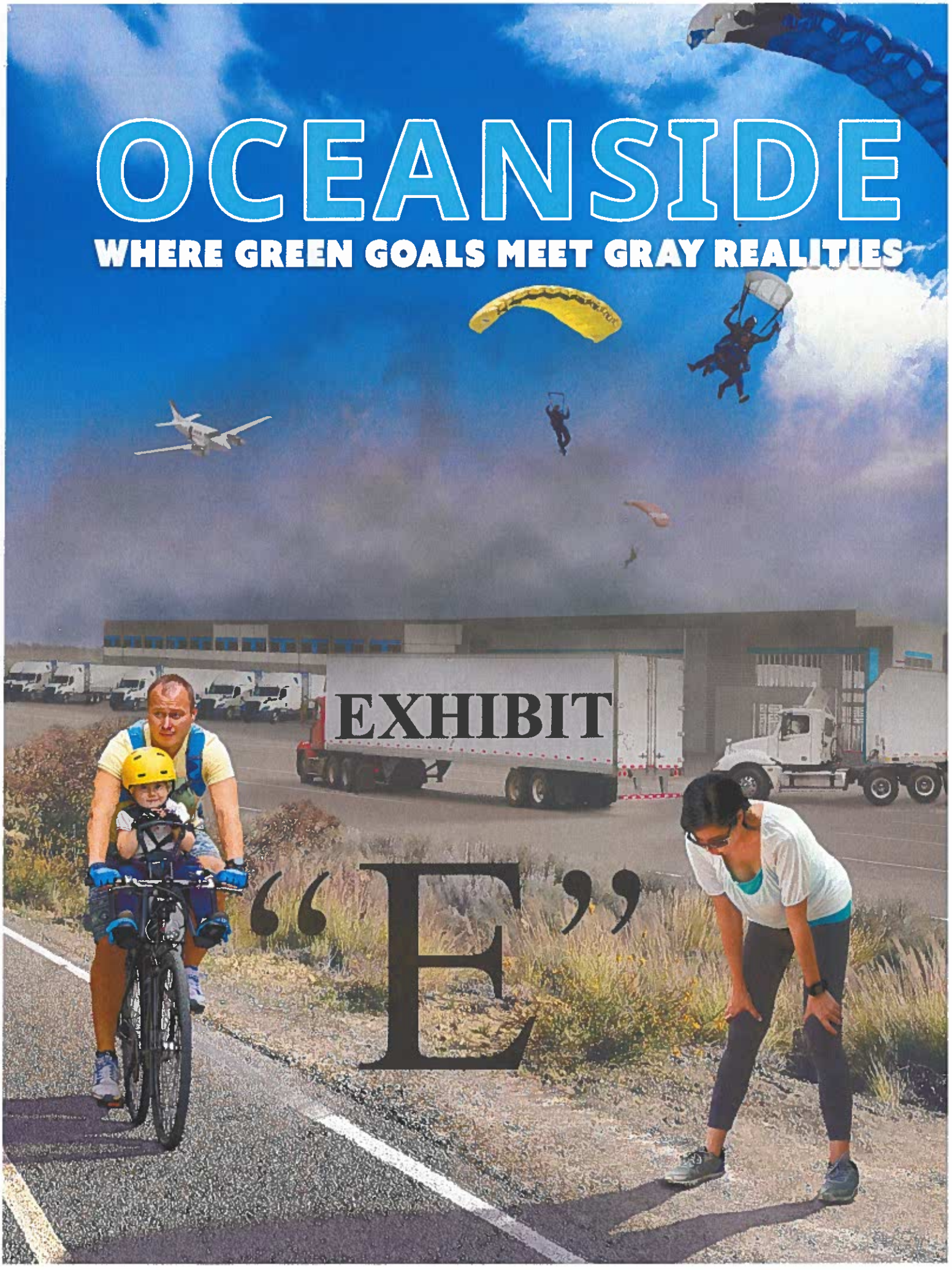
Measurement-Calculated values are within 8%.

Appendix III. References

1. Memo prepared by Wanis View Preserve Volunteers in response to DEIR, submitted Dec 4, 2024.
2. Francis M. Wiener; Charles I. Malme; Creighton M. Gogos Sound Propagation in Urban Areas J. Acoust. Soc. Am. 37, 738–747 (1965 3. J. Kang. Urban sound environment. Taylor and Francis, 2006 4. R. H. Lyon. Role of multiple reflections and reverberation in urban noise propagation. Journal of

Applied Physics111,114906 (2012)
5. Miguel Molero, Simon Felix, Vincent Pagneux, and Olivier Richoux.. Sound propagation in periodic urban areas Soc. Am., 55(3):493–503, March 1974.

6. M. Hornikxa, M. Dohmena, K. Conenb, T. van Hooffc,The wind effect on sound propagation over urban areas: Predictions for generic urban sections Building and Environment Volume 144, 15 October 2018
7. M R Ismail The propagation of noise through the urban fabric Proc.|.O.A. Vol 22 Pan 2 (2000)
8. Wolfgang Probst Prediction of Sound radiated from Tunnel Openings March 2010 Noise Control Engineering Journal 58(2)
9. David Peter Hewett Sound Propagation in an Urban Environment thesis Term 2010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"E"

Response to the recently released Final Environmental Impact Report

(RAF PACIFICA GROUP)

WildFire Issues with the Fourth Iteration of the Project

Prepared by Michael Tenhover (February 7, 2025)

The following memo describes concerns with the Fourth Iteration of the "eddie jones warehouse project" (the "Project"). The Wildfire Evacuation Study (WES) section is seriously flawed with its identification of where a wildfire will start, what areas should be of concern, available evacuation times for the community, and the amount of time it will take for a Wildlife to threaten the nearby community

Table of Contents

I. Major Issue with the FEIR- Fourth Iteration- related to Wildfire

In the FEIR, the Wildfire Evacuation Plan has used a number of questionable and unreasonable assumptions. Based on these, the plan states that in the event of a Wildfire, the Wanis View community will have 2 hours before they are threatened by the fire. They also state that with the Project and the issues with evacuation routes, a worse case for the time to evacuate is 1 hour and 32 minutes. **None of these assumptions/results seemed to be accurate.**

Specific Problems:

1. **The Study has assumed a start location for the Fire, shown below:**

Figure 1.

The fire is assumed to start at the RED symbol on the Right/Middle of the figure above (GPS coordinates shown). This is in an area with low levels of fuel as well as low levels of fuel to the East and South and as far away from the area as possible. This seems to be a "best case" for both slow fire propagation as well as distance from the Wanis View Homes and the Project.

It is not surprising that the study found this fire to move slowly and provide time for evacuation, but it is not at all realistic.

2. **Studies need to include both other start points and variations in wind direction.**

Also shown in the above figure are Yellow symbols that are equally (if not even more likely for a wildfire to start). The WES needs to use the same methodology to evaluate the fire behavior for these locations. They also need to include variations in wind direction– not just East, but NorthEast, and even NorthWest.

Wildfires can start from natural sources but also can be the result of open fires (homeless camps cooking, heating), off-road vehicles, and arsonists.

3. Fuel Loads in the area are highly variable

The area in question can have huge variations in the fuel loading depending on the amount of seasonal rain, brush abatement measures, and summer heat. This input also needs to be included in the fire models.

4. The appropriate goal of a WES.

The goal of this exercise should be to find the minimum time for a fire to reach the homes, not the maximum time a fire can burn in the area before being a threat.

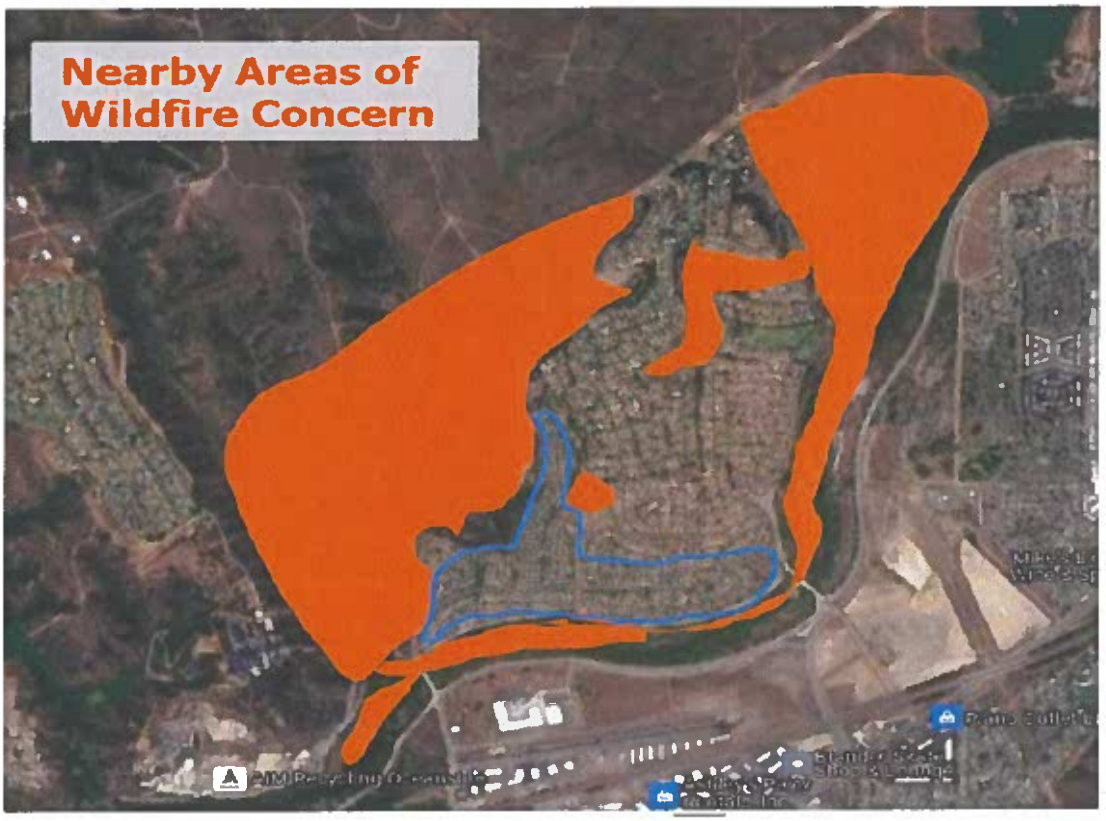
It is easy to see that a Wildfire starting on any of the Yellow symbols will be an almost immediate threat to the community.

5. Evacuation Times for the Community.

We are lucky in Oceanside to have excellent leaders in both our Fire and Police Departments. However, even these capable groups will find it difficult to evacuate this complex neighborhood in the time that will be available. Rather than the two hours claimed in the WES, there may be as little as 30 minutes to perform this essential task, depending on where the wildfire will start and wind direction. The added difficulty might be the day of the week as well as time of day for the evacuation. **With such a tight timeline, the impact of the Project and associated heavy trucks will have on hindering evacuation will be very significant.**

II. FireWise/CAl Fire identification of areas of concern.

Volunteers in the Wanis View area formed a Firewise program in 2023. In part of the certification process they worked with Cal Fire to identify areas of concern for Fire Safety. This exercise and results were presented to the Oceanside City Council in August 2023 (Appendix I). Shown below is the result of this evaluation:



Figue 2

The Orange areas are places based on fuel, terrain, and wind direction that were designated "Areas of Concern". This information is not considered in the WES

and paints a very different picture of where wildfire could start, where abundant fuel is sometimes present, and the proximity to the residents.

III. Recommendations- Studies that must be completed before the Project can be considered for approval.

They must include:

1. As described above we need studies that provide information on the "most dangerous" scenarios, not just one favorable for the Project.
2. These should include at a minimum, the locations shown in Figure 1 - Yellow symbols.
3. The studies must also look at variations in wind direction and fuel loads

Appendix I. Presentation on Fire Safety Issues Oceanside City Council (August 2023)

2023

NATIONAL FIREWISE USA® PROGRAM

CERTIFICATE

OF RECOGNITION

The National Fire Protection Association acknowledges that

Wanis View Estates

located in Oceanside CA

has successfully completed the Firewise USA® program's annual requirements for 2023 and is a participating site in good standing throughout the 2024 calendar year.

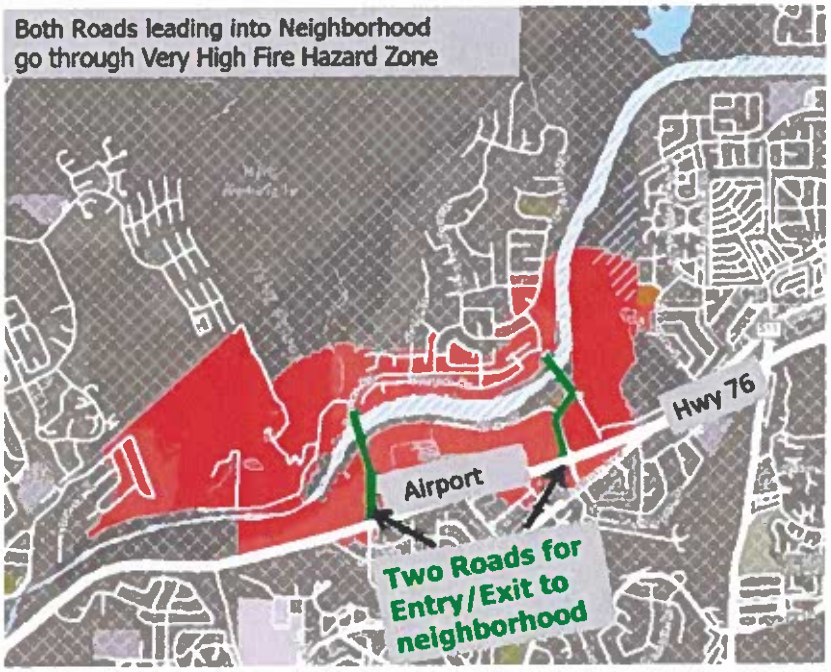
James T. Pauley, President, NFPA

FIREWISE USA

December 19, 2023

Date Issued

FIREWISE PROGRAM– Only Oceanside Area in CAL FIRE's Very High Fire Hazard Zone

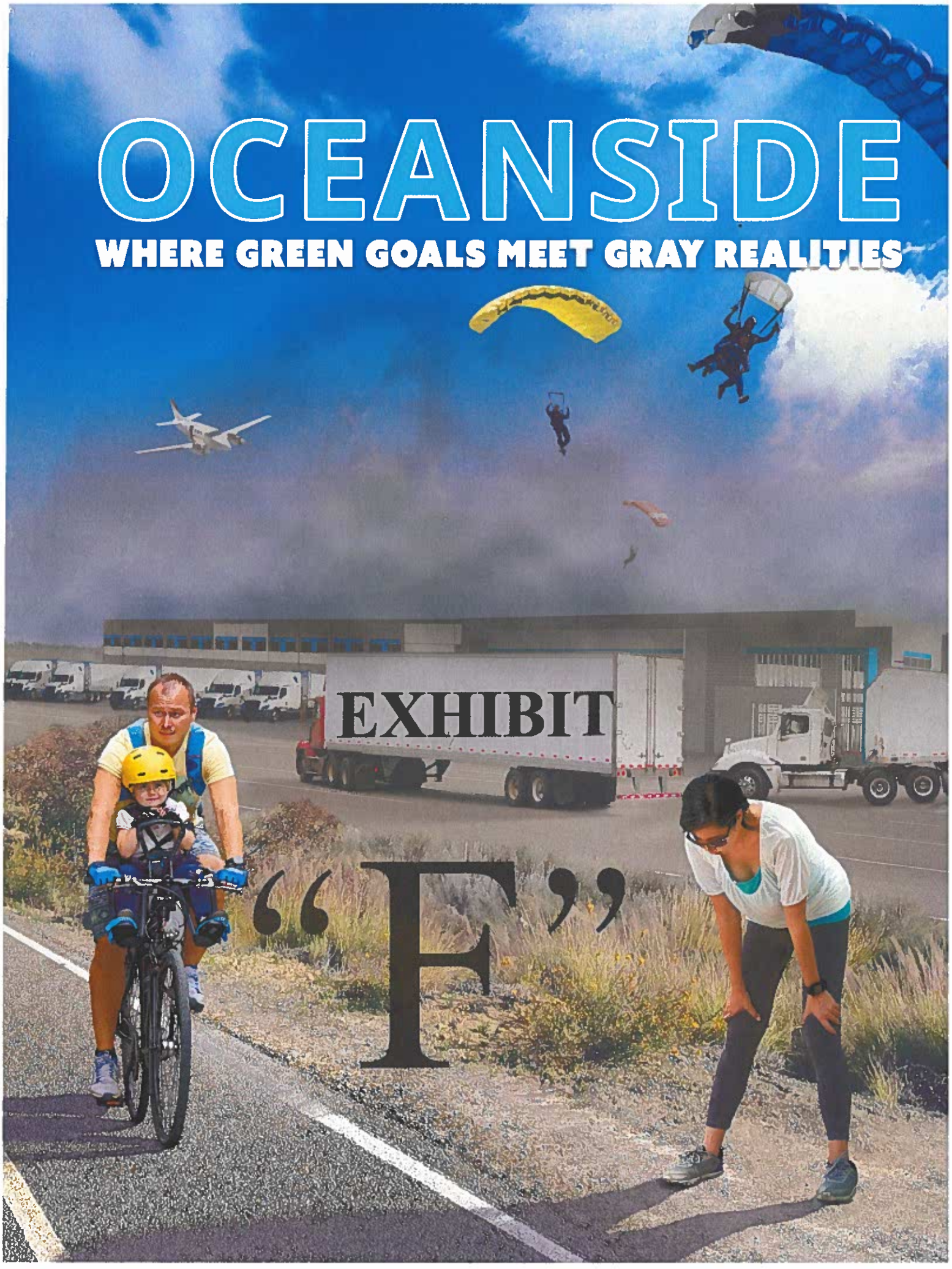


Evacuation and Emergency Vehicle

We only have two roads, both of which are in the **Fire Hazard Zone**

5000 residents

Our Program Area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"F"

Preserve Calavera
Coastal North San Diego County

February 7, 2025

City of Oceanside Planning Commission
Sent via Email

Subject: Comments on Eddy Jones Warehouse Final EIR and Project

Honorable Chair and Commissioners

The Eddy Jones Warehouse Project is one you might be inclined to approve. It is an industrial use on industrial zoned land. It sat vacant for several years—providing no jobs. According to the analysis done for the Economic Development Element of our General Plan, our greatest job producing need is for even more land to be zoned industrial.

But this project has failed to address critical impacts it will have on our community. This is a project that requires a Conditional Use Permit (CUP) because it exceeds the limits of 50,000 square feet and no more than 6 heavy duty trucks at one time. This requirement for a CUP gives you broad discretion to add Conditions of Approval and ensure that the remaining concerns with this project are fully addressed.

The following are the key issues we ask you to address in the CUP:

- **Edge effects of this development on the adjacent sensitive habitat along the San Luis Rey River**

Attached are standard conditions of approval used by Oceanside for many years after the MHCP was adopted ibn 2003 and then got buried. Not 100% of them apply to every project. But they were all considered and incorporated as appropriate for development next to sensitive habitat. The responses to comments verify that many of these have been ignored. Feral cats are estimated to kill over 2 billion birds a year in this country. The sensitive river habitat supports endangered Least Bell's Vireo and California Coastal Gnatcatcher, among others. We submit that throughout this region one can walk behind industrial or commercial buildings and find that someone is leaving out food and water for feral cats. It is not sufficient to just say the project won't do that-it needs to be conditioned to do so. Also, the concern about lighting is not just building lighting that is required to be low sodium and directed to not spillover to sensitive habitat. The headlights from these trucks extend beyond the limits of the project and can disrupt many nocturnal animals. There is a reason for every one of these conditions-—and all need to be considered.

- **GHG and Air Quality impacts from all of this truck traffic has not been adequately addressed**

5020 Nighthawk Way – Oceanside, CA 92056
www.preservecalavera.org
Nonprofit 501(c)3 ID#33-0955504

The FEIR responses to comments on page RTC-97 states "Consistent with the City's formally adopted VMT standards the DEIR uses SANDAG's Employee VMT by census tract..." The drivers of the trucks accessing this facility are not employees, and consequently they are not included in the analysis of VMT and the associated GHG emissions. It is a step in the right direction that the project added the recommended environmental justice mitigation measures. The Inland Empire has had extensive experience with large warehouses like this. Included are attachments that discuss some of the litigation, settlement, analysis and recommended mitigation measures that have affected that area. Our local Air Pollution Control District has a study underway to develop local standards for these large warehouses. But the requirement for a CUP allows you to incorporate the recommendations from others who have studied this issue.

- Impact on safe emergency evacuation

We appreciate that the developer of this project prepared the requested Fire Evacuation Time Study. But we disagree with the conclusion that adding 10 minutes to a worst-case scenario that already results in a 59 minute evacuation time is a "less than significant impact." Furthermore, there are numerous recommendations in the study that need to be incorporated into project conditions. These include "The Wildfire Evacuation Study will require regular adjustment and continuous coordination by the Owner(s) and or Property Manager and fire/law enforcement agencies during each stage of the construction process." It also says that in order to evacuate more people(as will be required with this project) that emergency managers must " 1. Provide more lead time to evacuate and 2. Control traffic levels during evacuations so fewer vehicles are trying to exit at the same time." It further notes the need for "diligent public education and emergency personnel training and familiarity," and the need to require notification of the presence of special needs populations to the Fire Safety Coordinator. All of the recommendations of this study need to be formally incorporated into the project conditions of approval. **Please note that the project Conditions of Approval in Res 2025-PO4 do not reference this report or incorporate any of its recommendations.**

- **Limit of "56 trucks" is not sufficient, or accurate**

The project description for this new alternative specifically says it will include bays for "56 heavy trucks plus 45 grade level loading docks for small trucks." All trucks will contribute to the traffic, GHG and air quality impacts. But of course heavy duty trucks will have the greatest impact. This needs to correctly limit the project to " 56 **heavy** trucks and no more than a total of101 truck loading docks".

- **TDM Plan has not been provided**

Other city projects include the draft TDM Plan that is required by City Ordinance and to comply with the CAP. That makes it possible to determine if it appears to be sufficient to address the additional trips that will be generated, and to provide an opportunity for public comment. This project has not included even the draft TDM plan. Failure to provide this document leaves

compliance with the CAP unknown and leaves this a this a potentially significant impact that has not been addressed.

Thank you for considering our comments.

Sincerely,
Diane Nygaard
On behalf of Preserve Calavera

Attachments:

A. MHCP/C SAP Edge Effect Conditions
B. Warehouse Mitigation Measures

Link Attachments:

C. Warehouse Litigation 7-21-2021 v2
D. State of Emergency Public Health Request
E. Industrial Warehousing Report - Revised 2018

Attachment A: MHCP/C SAP Edge Effect Conditions

City of Oceanside – Standard Project Conditions

SELECT AS APPROPRIATE - FOR PROJECTS LOCATED ADJACENT TO RESERVE AREAS OR WITH OTHERWISE SENSITIVE HABITAT ISSUES

1. A qualified biologist shall be retained by the applicant to review the final grading plans, access routes and staging areas, monitor all aspects of construction, educate contractors about the biological sensitivities associated with the area and ensure compliance with mitigation measures.
2. The qualified biologist shall conduct a training session for all project personnel prior to any grading/construction activities. At a minimum the training shall include a description of the target species of concern, its habitats, the general provisions of the Endangered Species Act (Act) and the MHCP, the need to adhere to the provision of the Act and the MHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the target species of concern as they relate to the project, any provisions for wildlife movement, and the access routes to and project site boundaries within which the project activities must be accomplished.
3. A water pollution and erosion control plan shall be developed that describes sediment and hazardous materials control, dewatering or diversion structures, fueling and equipment management practices and other factors as deemed necessary. Erosion control measures shall be monitored on a regularly scheduled basis, particularly during time or rainfall. Corrective measures shall be implemented in the event erosion control strategies are inadequate. Sediment/erosion control measures shall be continued at the project site until such time as the revegetation efforts are successful at soil stabilization.
4. The footprint of habitat disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.
5. The upstream and downstream limits of project disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work.
6. Placement of equipment and personnel within environmentally sensitive habitat areas stream channels or on sand and gravel bars, banks and adjacent upland habitats used by target species of concern shall be avoided. Activities that can not be conducted without

placing equipment or personnel in sensitive habitats shall be timed to avoid the breeding season of the target species of concern.

7. When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing or other sediment trapping materials shall be installed at the downstream end of the construction activity to minimize the transport of sediments off-site. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from re-entering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.

8. Equipment storage, fueling and staging areas shall be located to minimize risks of direct drainage into riparian areas or other environmentally sensitive habitats. These designated areas shall be located in such a manner as to prevent runoff from entering sensitive habitats. All necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. All project related spills of hazardous materials shall be reported to appropriate entities including but not limited to the City of Oceanside, FWS, and CDFG, SWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.

9. Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.

10. Stockpiling of materials and other aspects of construction staging shall be limited to disturbed areas without native vegetation, areas to be impacted by project development or in non sensitive habitats.

11. "No-fueling zones" shall be established within a minimum of 10 meters (33 feet) from all drainages and fire sensitive areas.

12. Scheduling of construction activities shall minimize potential impacts to biological resources. Construction adjacent to drainages shall occur during periods of minimum flow (i.e. summer through first rain of fall) to avoid excessive sedimentation and erosion and to avoid impacts to drainage dependent species. Construction near riparian

areas or other sensitive habitats shall be scheduled to avoid the breeding season (March through September) and potential impacts to breeding bird species.

13. Construction activities during the breeding season (dates tbd depending upon species of concern- some start in Feb March through September) shall be limited to those that will not produce significant noise impacts (i.e. noise levels greater than 60 dBLeq –decibels equivalent sound level) at the edge of the habitat of concern.

14. Conduct preconstruction surveys at potential impact areas between mid-May and mid-June.

15. Human and pet access to preserve areas shall be limited to designated trails by use of natural vegetation, topography, signs and limited fencing.

16. Artificial lighting adjacent to the preserve area shall be eliminated except where essential for roadway, facility use and safety and security purposes. Where use of artificial lighting is necessary it shall be limited to low-pressure sodium sources. Use of low voltage outdoor or trail lighting, spotlights or bug lights is prohibited. All light sources shall be shielded so that lighting is focused downward to restrict any light spillover onto sensitive habitat.

17. The HOA shall establish an education program for homeowners regarding responsible pet ownership. The program shall encourage a) keeping pets indoors, especially at night; b)having pets neutered or spayed to reduce unwanted reproduction and long-range wandering; c)belling of cats to reduce their effectiveness as predators; d) prohibiting release of unwanted pets into the wild; e) keeping dogs on leashes when walking them on trails in preserve areas.

18. The HOA shall establish a feral animal removal program.

19. The qualified biologist shall monitor construction activities throughout the duration of the project to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any target species of concern outside the project footprint. Construction monitoring reports shall be completed and provided to the City of Oceanside, FWS and CDFG summarizing how the project is in compliance with applicable conditions. The project biologist shall be empowered to halt work activity if

necessary and to confer with staff from the City of Oceanside, FWS and CDFG to ensure the proper implementation of species and habitat protection measures.

20. The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species. Al revegetation plans shall be prepared and implemented consistent with Appendix C (Revegetation Guidelines of the Final MHCP Plan – Volume II) and shall require written concurrence of the FWS and CDFG.

21. To avoid attracting predators of the target species of concern, the project site shall be kept clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site. Pets of project personnel shall not be allowed on site where they may come in contact with any listed species.

22. Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits shall be fenced with orange snow screen. Exclusion fencing shall be maintained until the completion the completion of all construction activities. All employees shall be instructed that their activities are restricted to the construction areas.

23. Any habitat destroyed that is not in the identified project footprint shall be disclosed immediately to the City of Oceanside, FWS and CDFG and shall be compensated at a minimum ratio of 5:1.

24. If dead or injured listed species are located, initial notification must be made within three working days, in writing to the Service's Division of Law Enforcement in Torrance California and by telephone and in writing to the applicable jurisdiction, Carlsbad Field Office of the FWS, and CDFG.

25. The City of Oceanside shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project conditions and BMPs. The FWS and CDFG may accompany the City representatives on this inspection.

26. Any planting stock to be brought onto the site for landscaping or ecological restoration shall be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to Argentine ants, fire ants, and other insect pests. Any planting sock found to be infested with such pests shall not be allowed on the project site or within 300 ft of natural habitats. The stock shall be quarantined, treated or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats.

27. New utility lines or towers or modification of existing utility lines or towers shall implement designs that preclude or minimize harm to wildlife due to collisions or electrocution. Information on such designs is available at www.migratorybirds.fws.gov/issues/towers.

28. Use bridges, instead of culverts for all major riparian crossings and regional wildlife movement corridors. The site of the riparian crossing and its importance as a wildlife corridor should dictate the design. (Where appropriate based on site specific survey results) Wildlife undercrossings shall be designed and implemented (for new roads or road improvement projects that could disrupt wildlife movements or result in increased road kill). Such undercrossings, along with any necessary wildlife fencing or other facilities, shall be designed based on best available information to maximize use of the undercrossing by species of concern. Undercrossing design shall strive to maximize the openness index (widthXheight/length), minimize traffic noise within the crossing, use skylight openings within the underpass to allow for vegetative cover within the underpass, use appropriate fencing to funnel wildlife into the crossing rather than across the road surface, and screen the undercrossing opening and access path with natural vegetation. Undercrossing design shall be subject to review and approval by the City of Oceanside, FWS and CDFG prior to issuance of grading permits.

29. All mitigation sites shall be conserved through fee title acquisition or conservation easement, and proof of recordation shall be provided to the City of Oceanside prior to land disturbance.

30. Use of retaining walls shall be minimized. Development on the site shall be configured to existing topography to minimize grading and landform alteration.

31. Existing natural drainages and watersheds shall be maintained. The project shall restore or minimize changes to natural hydrological processes.

32. Detention basins shall incorporate earthen berms to allow growth of natural vegetation.

Note : There are additional specific conditions in areas of equestrian use

CONDITIONS SPECIFIC TO BUENA VISTA LAGOON

33. The Buena Vista Lagoon boundary (and/or wetland area) shall be delineated and criteria used to identify any wetlands existing on site shall be those of Section 30121 of the Coastal Act. Mapping of wetlands, conditions to protect sensitive resources and siting of development shall be done in consultation and subject to approval of DFG.

34. Landscaping on the site shall be utilized as a visual buffer and shall be compatible with the surrounding native vegetation and preserved open space through installation of native, non-invasive, drought tolerant plant species.

35. Approved landscaping shall be installed immediately upon completion of construction and maintained by the property owner in good growing condition for the life of the development.

36. Landscaping screening of structures with specimen trees and fire-retardant vegetation of substantial height, shall be required to screen and soften the view of structures from _____(Interstate 5/ Buena Vista Lagoon etc.) and public vista points.

37. A HOA shall implement a landscape management plan that includes herbicide/pesticide management and removal of invasive species..

38. On-site sensitive biological resources areas inclusive of the 100-ft buffer area shall be left in their natural state (or restored with native drought tolerant vegetation) and used only for those passive activities allowed as a condition of permit approval. The permissible passive activities and any other conditions of the permit shall be incorporated into a covenant of easement that shall be recorded against title to the property. The USFWS and DFG shall be named beneficiaries to any covenant of easement recorded pursuant to this condition.

39. The use of chemical pesticides for mosquito control is prohibited (rely on biological agents).

40. **Access to buffer and sensitive habitat areas is prohibited during the breeding season (see species specific guidelines for breeding season dates) except for emergency access.**

Attachment B: Warehouse Mitigation Measures

Warehouse Mitigation Measures[1]

1) Trucks certified to meet or exceed ARB's 0.02 g/bhp-h optional low-NOx emissions standard (i.e., near-zero or zero emission).
2) Tier 4 or cleaner construction equipment.
3) Solar photovoltaic panels on site sufficient to supply all electric energy demands for the office space, air conditioning and dark shell lighting of the project.
4) Solar ready roofs.
5) Three minute limit on all diesel idling.
6) Roundabouts at major intersections.
7) Air Quality Complaints. Prior to the start of grading, developer must post legible, durable, weather-proof signs, of a size to be easily readable from the street, at all construction entrances, which state in English and Spanish (i) that diesel trucks servicing the Project site shall not idle for more than 3 minutes; and (ii) the name and telephone numbers of an authorized individual such as the Project Superintendent to be contacted to resolve dust and air quality complaints, and a phone number to the local air district to report violations. The signs must remain posted on the property until construction is complete. All legitimate dust complaints must be resolved within 24 hours of receipt.
8) A minimum of 250-foot building setbacks from adjacent properties, and a larger buffer from residential and other sensitive receptor facilities based upon site-specific analyses.
9) Maximize use of native plants in landscaped areas.
10) Maximize use of drought-tolerant landscape materials.
11) Maximize harvesting of rainwater and project drainage.
12) Design streets to capture runoff to irrigate medians and parkways (zero curb design).
13) Provide on-street truck parking turnouts.
14) Exceed Title 24 by at least 15%.
15) Accommodate alternate forms of transportation including, public transportation (bus), charging stations for electric cars, carpooling, and bicycles.
16) Install a sufficient number of electric vehicle charging stations to accommodate 30% of the projected number of employee vehicles. Electric charging units shall meet or exceed Level 2 Electric Vehicle Service Equipment standards.
17) Provide preferential parking locations for ZEVs and carpool/vanpool vehicles.
18) Zero-emission fork lifts and yard goats, or near-zero emission CNG using RNG if electric powered equipment is not readily available.
19) Electric plug-in capacity for all trucks equipped with transportation refrigeration units (TRUs), and TRUs shall be limited to diesel run-time of 15 minutes.
20) Promote the riding of bicycles, through the provision of bike racks / storage, showers and changing rooms.
21) Reduce 'heat-island' effect by incorporating lighter paving materials where possible and light roofing materials on all structures.

[1] Based on document prepared by Richard Drury of Lozeau Drury, LLP. Edited and revised by Joe Lyou, Coalition for Clean Air.

22) Employ adequate shielding features to ensure zero light spill off-site.
23) Minimize water use in restrooms. Use zero or ultra-low flow urinals, dual flush toilets, and EPA certified WaterSense high efficiency fixtures.
24) Employ a recycling program.
25) Divert construction waste from landfills.
26) Incorporate recycled materials where feasible.
27) Incorporate low-emitting adhesives, paints, coatings, and flooring systems.
28) Make the best use of day-light into the interior spaces.
29) If project changes use of agricultural land, create an agricultural easement for comparable agricultural land (production) in California.
30) All LEED-certified buildings.
31) Use non-reflective solar panels.
32) All sites to be gated and manned 24/7 to monitor/regulate truck access.
33) Build or arrange for a renewable LNG/CNG fueling station(s) as appropriate to support low-NOx trucks.
34) Construct sound walls and utilize rubberized asphalt.
35) Use non-diesel emergency backup generators.
36) Provide funding for work force development & education.
37) Create a first source hiring program that encourages and assists local residents in securing facility-related jobs.
38) Provide funding to local air districts for air quality improvement projects.
39) Construct active transportation paths and nature trails to the benefit of the community.
40) Locate truck check-in points sufficiently interior to the project to preclude queuing of trucks onto public streets.
41) Provide rest areas with free Wi-Fi and restrooms for truck drivers.

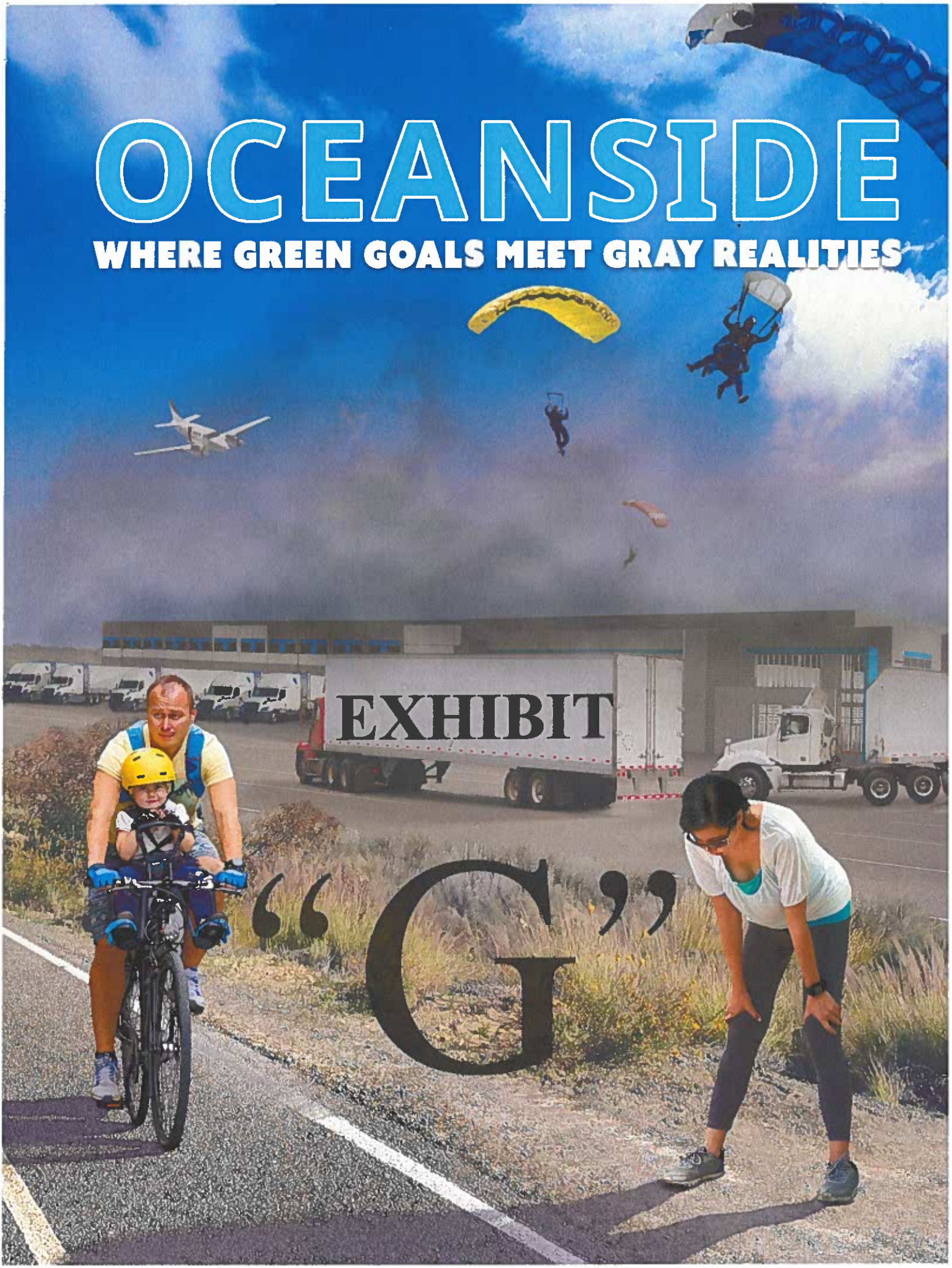
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EXHIBIT
"G"

Dear City of Oceanside Planning Commission:

I am writing to express my opposition to the Eddies Jones warehouse project. I do not live close by but am deeply concerned by the potential impacts to Oceanside residents as well as sensitive wildlife. There must be more suitable locations for distribution centers with over 600 parking spaces and 57 truck bays than right next to our largest and most important wildlife corridor. It's truly baffling to see a project of this scale in this location with a parking lot right next to the San Luis Rey River trail.

As a wildlife biologist, I cannot emphasize enough how important the San Luis Rey River is to our local wildlife, as it serves as the largest continuous wildlife corridor in the area. Its importance was acknowledged in Oceanside's Subarea Plan, the City's commitment to the San Diego Multiple Habitat Conservation Program. The section of the San Luis Rey River near the project site provides critical breeding habitat for the endangered bird species Least Bell's Vireo. Figure 3 of the Biological Technical Report (BTR) within the EIR shows a number of documented occurrences of this species near or within the project boundary. However, the report contradicts this information by stating that 1) "Least Bell's Vireo is known to occur approximately 1.4 miles east of the project site," which is false and 2) "there is no suitable habitat to support this species within the project site," which we know is also false from the documented observations.

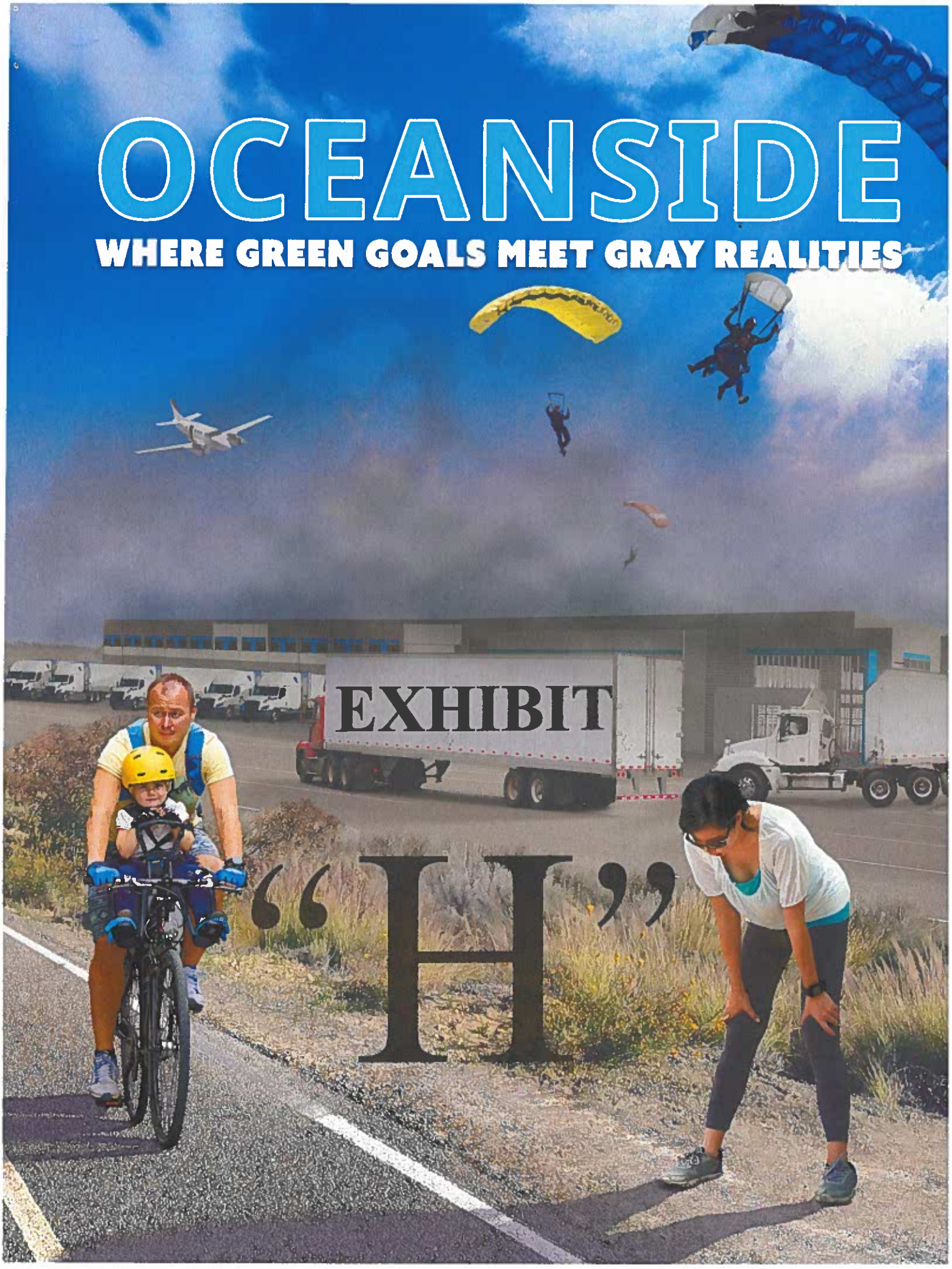
I urge the City to require protocol surveys for this endangered species, as they were surprisingly not conducted. This was also noted by the California Department of Fish and Wildlife (CDFW) in their public response to the draft EIR. I have worked with this species along the San Luis Rey River and know they often nest at the southern edge of the river's riparian habitat. Therefore, it is very likely that they use the northern edge of the project boundary, which is less than 100 feet away from the riparian

habitat. I strongly encourage that a larger buffer zone be implemented to protect this sensitive species.

Also this area lies within Oceanside's Wildlife Corridor Planning Zone as designated in Oceanside's Subarea Plan, which is meant to protect another federally threatened bird species, the Coastal California Gnatcatcher. United States Fish and Wildlife Service (USFWS) mentions this important detail in its public comment letter and further explains that this federally-protected species could utilize the project site for dispersal.
USFWS specifically mentions the following from Section 5.3.1.1 of the Subarea Plan (General Development Standards for the Wildlife Corridor Planning Zone), and recommends adherence to this policy:
"removal of native habitats shall be avoided to the maximum extent feasible, without precluding reasonable use of the property. New development on existing properties larger than 2 acres within this zone shall conserve at least 50 percent of the parcel as open space and may remove no more than 25 percent of the coastal sage scrub habitat."
The Final EIR responded to this comment by stating that "This entire property was previously developed and therefore not subject to the General Development Standard." The previous operation at this site ceased about five years ago, thereby allowing the land to revert to a more natural state with minimal disturbance, which increased its biological value. We should not consider every parcel as developed simply because it was developed once in the past because the habitat could now support our local sensitive species for foraging, nesting or dispersal.
I therefore concur with USFWS that at least 50 percent of the parcel should be conserved as open space to adhere to the Subarea Plan.

I urge the City to please stick to its commitments to protect our sensitive wildlife per the Subarea Plan. Thank you for considering my recommendations.

Sincerely,
Jennifer Jacobs
Feb 10, 2025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Health Effects of California's Warehouse Boom Raise Concerns Among Residents and Policy Makers

by Angelina Angelo with Julianne Ng | October 02, 2023

Quick Summary

- California's warehouse boom has raised significant concerns over long-term

environmental justice and health equity repercussions.

- Children & underrepresented communities are especially vulnerable to the impacts of the warehouse boom.
- Lawmakers are actively pushing for the implementation of a buffer zone between warehouses and "sensitive receptors."
- As the long-term health effects of the warehouse boom continue to be unknown, it becomes increasingly crucial to increase efforts in bridging the gaps between science and policy to protect overburdened California communities.

California has experienced an unprecedented surge in the expansion of e-commerce and, subsequently, a dramatic boom in warehouse construction. The warehouse boom, while contributing to economic growth, has also raised significant concerns over the long-term environmental justice and health equity repercussions.

Environmental Concerns

The boom in warehouses has raised significant health concerns, especially in already overburdened communities. The exponential growth of warehouses in the Inland Empire is intrinsically tied to its critical location in the nation's goods movement system. In 1980, the Inland Empire hosted 234 large warehouses (over 10,000 sq ft), by January 2023, this had skyrocketed to over 4,000. This growth will have massive impacts on air quality here with similar impacts elsewhere in the state, including the Central Valley.

California's dependence on diesel-powered vehicles has produced large increases in nitrogen oxide (NOx) emissions, creating ozone, a significant health concern. Ozone is a hazardous compound that forms in the atmosphere when nitrogen oxide (NOx) and volatile organic compounds (VOCs) react in the presence of sunlight. According to the EPA, in 2009, California had the highest levels of ozone concentration in the country; since then, this has only increased. In June of 2023, six California counties, San Bernardino, Riverside, Los Angeles, Tulare, Kern, and Fresno, ranked the highest for

most polluted due to ozone and particle pollution, according to the American Lung Association and CalEnviroScreen 4.0.

Diesel engines emit a mixture of harmful air pollutants, including NOx. In addition to ozone, Diesel Particulate matter (DPM) is responsible for a staggering 70% of the total cancer risk attributable to air pollution. According to the EPA, prolonged exposure to high levels of DPM poses dangerous health risks, such as exacerbating respiratory conditions like asthma, and can worsen pre-existing conditions like lung or heart disease. However, it's the long-term health effects that are of increasing concern for scientists, health practitioners, and communities.

Populations of Concern

Children are especially vulnerable to the health impacts of the warehouse boom. In California, over 300 warehouses are 1000 feet or less from 139 schools, and an additional 600 warehouses are located within 1500 feet, according to a recent report. This toxic geography places thousands of children in the crosshairs. Children, with their still-developing respiratory systems and outdoor play, are at heightened risk for long-lasting health issues resulting from exposure to air pollution. Read more about concerns for children's environmental health here.

Underrepresented communities are also of concern. According to CalMatters, the adverse effects of warehouse pollution and related traffic congestion are overwhelmingly concentrated in neighborhoods inhabited primarily by Latino communities and low-income communities. Other new research shows the population living within half a mile of a warehouse is 64% people of color in California.

What Next?

The emergence of air pollution and its associated health risks, particularly for children and the region's residents, demands immediate attention and proactive measures. The warehouse expansion plans in California show no signs of slowing; the Inland Empire alone currently has one billion sq feet of warehouse space operating, with 170 million sq ft of warehouse space currently approved or pending, according to a CalMatters State of Emergency Public Health Request.

In response to these health concerns, lawmakers are actively pushing for the

implementation of a buffer zone between warehouses and "sensitive receptors" such as daycare centers, schools, and hospitals to reduce exposure to air pollution. Assembly Bill 2840, which would provide a buffer zone of 1,000 feet between diesel truck traffic emissions generated by any new warehouse facilities and defined these sensitive receptors, has passed the Assembly and is currently in the Senate. Assembly Bill 1000, a similar policy that bans land permits within 1,000 feet of sensitive receptors, did not pass earlier this year. Many California residents, educators, and local officials are beginning to protest new warehouse builds, according to CalMatters.

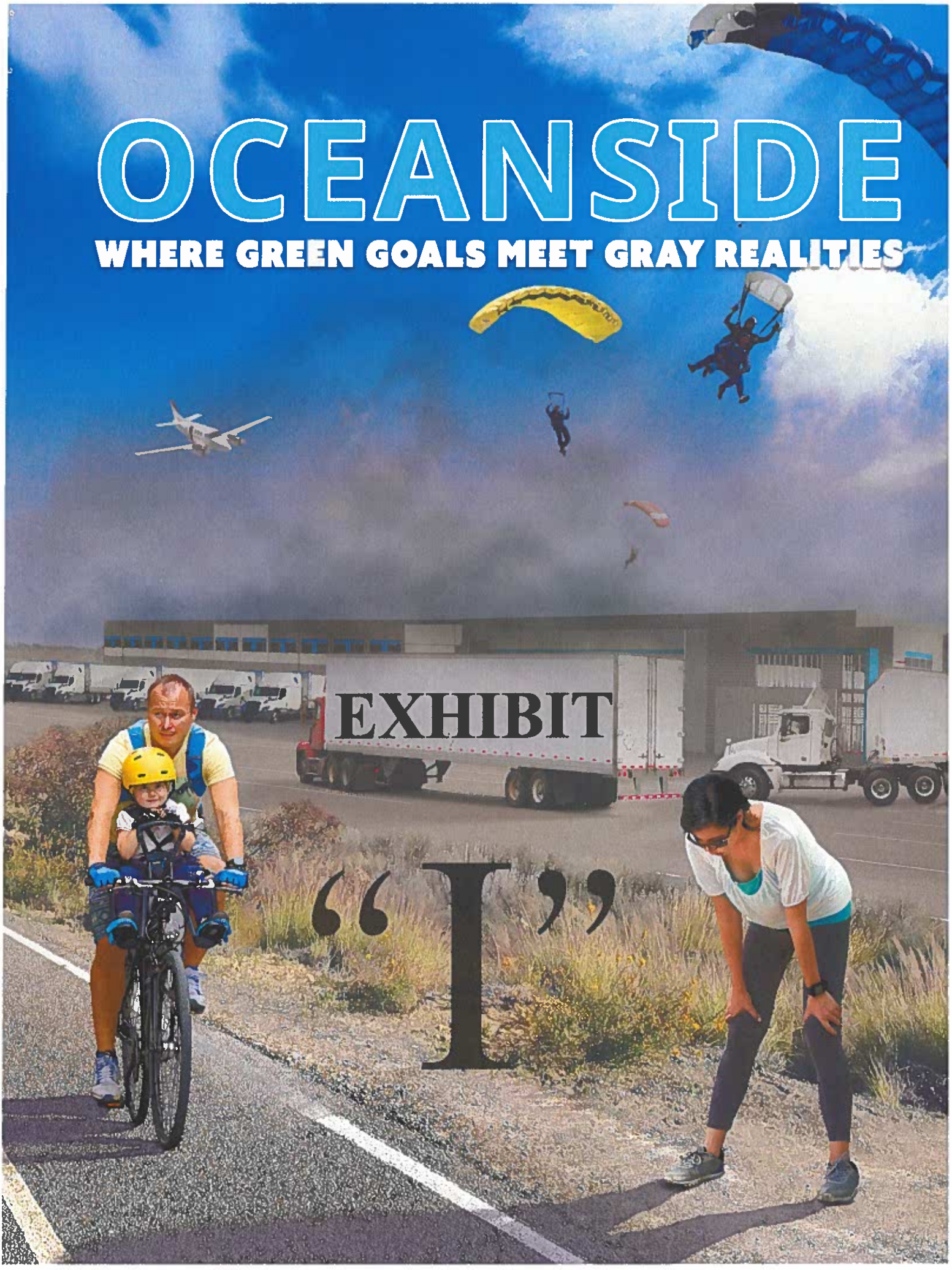
As the long-term effects of the warehouse boom on both environmental and health effects continue to be unknown, it becomes increasingly crucial to put more effort into bridging the gaps between science and policy to protect overburdened California communities.

If you found this blog interesting, register for our annual retreat on November 8th to keep this vital conversation going.

The author would like to acknowledge and thank Dr. Jonathan London for his contribution of expertise and editing of this blog post.

Angelina Angelo produced this article with support from Julianne Ng, EHSC student assistant in communications & media.

Angelina is an EHSC editorial assistant & undergraduate writer for the communications department and an undergraduate student at UC Davis studying Human Development. She is an aspiring writer with a focus on science communication.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Response to the recently released Environmental Impact Report

(RAF PACIFICA GROUP)

Health Issues with the Fourth Iteration of the Project: Synergetic Hazardous Particulate Material

Prepared by Michael Tenhover (February 8, 2025)

The following memo describes concerns with the Fourth Iteration of the "eddie jones warehouse project" (the "Project") related to the Health of near-by residents and the large number of people who use the skate park, bicycle river trail, GoJump, the future OceanKamp and other nearby areas for recreation. The concern centers around placing a warehouse producing copious amounts of Diesel Particulate Material near the Bob Maxwell Memorial Field (Oceanside Airport), a facility that uses leaded fuel for aviation.

Table of Contents

I. Major Issue with the EIR- Fourth Iteration

Synergistic Combination of Lead dibromide and diesel exhaust particles:

While the EIR describes the concentration and impact of DPM on the nearby areas, it fails to consider the fact that there are other health risks at the site.

a. The proposed location of the Project is in the highest Lead exposure zone in Oceanside. One source of this lead is the lead dibromide particles (LDB) from piston engine aircraft at the Oceanside Airport.
b. The project, with the diesel engine trucks will be a source of PM10 and PM2.5— partially combusted hydrocarbon particles (DPM)
c. The possibility of agglomeration of LDB/DPM is a concern that can lead to a synergistic effect resulting in particles that are more toxic, have reduced settling time, have higher exposure to nearby people and are more easily retained in human lungs. The physics and chemistry of the situation point towards this being a real concern, but without data taken on-site with DPM production near the Oceanside Airport it is speculative.
d. In contrast to most hazardous materials, there is no safe level for lead exposure. Any action to reduce the lead concentration and exposure time is a benefit to life and livelihoods. The maximum contaminant level goal for lead is zero. (as set by the US EPA). In addition, lead is a cumulative poison and once absorbed, it is difficult for the body to excrete- so the level will build up in the body over time.
e. The optics of this situation should be a concern for the City– locating this Project in proximity to the Airport runway

II. Recommendations

1. Caution is warranted in locating a DPM producing facility like the proposed Project near a local airport runway. The low annual rainfall, coastal-exposure environment of the Project seems to be the perfect conditions for LDB/DPM agglomeration.

2. Limiting the number of trucks on-site would be a useful measure to minimize the possible health risks for the nearby community and recreation areas.
3. Exclusive use of biofuels for all diesel vehicles
4. Low emission trucks (EV and hybrid) would also help minimize the health risks.

III. Current Pollution in the area near the proposed Project:

Figure 1 below shows the relative lead levels in a wide section of the City of Oceanside [1]. The location of the Project is at the Lead=69 marker. That is, the highest lead level in the City. Since the phase-out of leaded gasoline in automobiles, the largest source of atmospheric lead is aircraft aviation fuel containing tetraethyl lead. The proposed location of the Project is adjacent to the Oceanside Airport. As described in Appendix I. the lead containing particles are lead dibromide with a nanometer particle size. There is an associated partially combusted hydrocarbon/oxide layer on these particles.

Diesel Emissions: The exhaust from a modern diesel engine contains a wide variety of particle sizes. These are very large compared to the LDB particles described above. (see Appendix 2)

As described in Appendix 3, the concern here is the possible agglomeration of the ultrafine LDB and coarse DPM particles. The EIR discloses information on both Lead and DPM, but does not consider the effects of a combination of them.

These combined/agglomerate particles will have:

1. Reduced settling times compared to LDB
2. Increased human lung retention
3. Enhanced toxicity.

1. **Setting times**. The settling time is the time for particles to deposit from a fluid (in this case air) to a surface. For a first order approximation, Stokes Law is used to calculate the settling velocities. Larger particles will settle much faster than small particles. Under moderate conditions, the settling time for these agglomerates could be hours/minutes compared to days/weeks for the LDB (Appendix 3). This reduction in settling time has the effect of localizing the LDB containing agglomerates near the sources of DPM (the Project) instead of having it disperse and dissipate.
2. **Increase lung retention**. Related to settling time, the localization of the agglomerates to areas near the Project increases the exposure for people compared to the normally widely dispersed nanosize LDB particles. Nanoparticle inhalation is not well understood in terms of retention in human lungs (very fine particles are sometimes expelled by respiration for example). But, larger agglomerates such as being mentioned here (micron-size), are retained at high probabilities []
3. **Enhanced toxicity**. The presence of the LDB on the DPM greatly increases the toxicity of the agglomerate. The LDB particles, bound by van der Waals, capillary, electrostatic forces to the DPM can be mechanically removed from the DPM in the lung (they are not chemically bound), thus delivering nanosize lead particles deep in the lungs with a 100% chance of

being absorbed. The DPM particle will also be a source of irritation and partially combusted hydrocarbons (carcinogenic).

Figure 2. shows the areas that will be most affected by issues mentioned in this memo. (circled in yellow). This region contains some of Oceanside's most valuable current and future recreation opportunities as well as numerous homes/residents. DPM Source is the proposed Project which includes the warehouse, parking lots, entrances, and transits to and from Hwy 76.

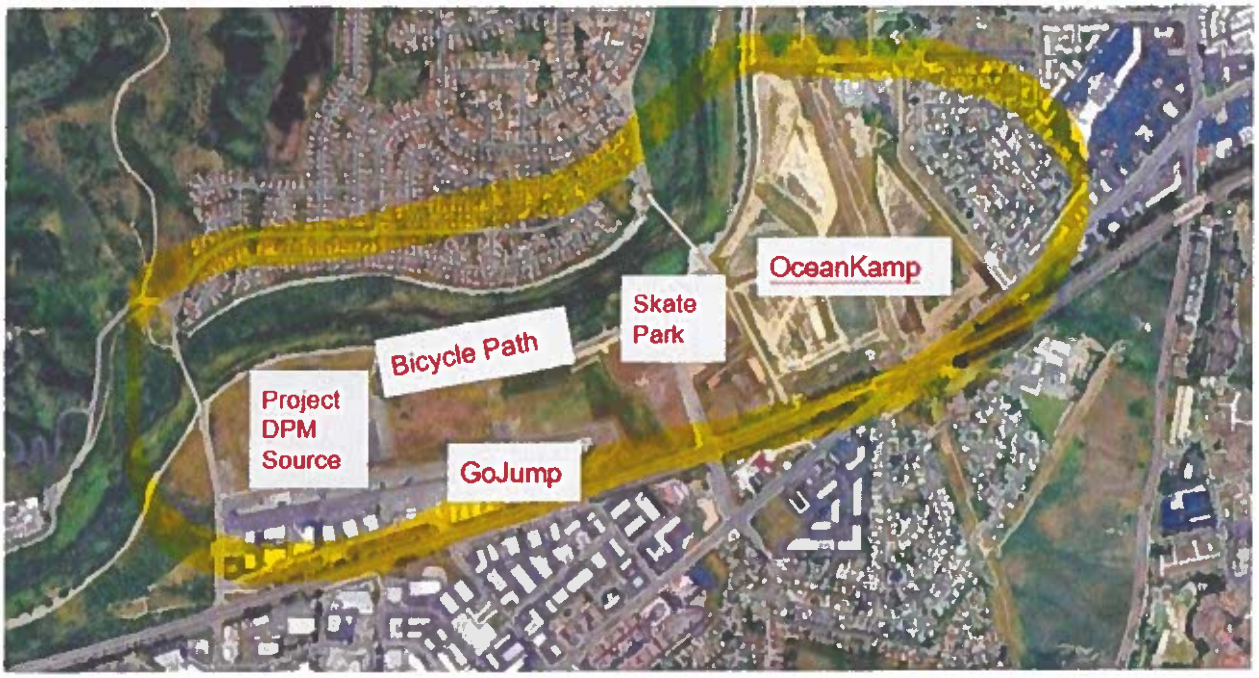


Figure 2. Map of local region.

Appendix 1: Lead dibromide nanoparticles- size and morphology

Lead Pollution from Aircraft Engines. The fuel used is leaded Avgas with tetraethyl lead and a halogen scavenger such as 1,2-Dibromoethane. The lead particles produced from Aviation fuel are very different from those found in lead-

fueled automobile exhaust. (much smaller particle size) In the aviation case the lead phase mostly occurs as 4 nanometer (0.00000015 inches in diameter) beads of lead dibromide nanocrystals. [3] Lead dibromide (LDB) is an ionic compound with a formula $PbBr_2$ which has a very low solubility in water. These LDB nanocrystals are aggregated in a matrix of partially combusted hydrocarbons. The resultant aggregates range from 6 to 16 nanometers. These ultrafine particles are subject to Brownian Motion and can have settling times ranging from days to weeks (depending on ambient conditions- ozone, hydroxyl concentrations) They are readily dispersed by wind and can travel great distances, reducing their impact on the local environment. High humidity and rain can clear the air of LDB by forming water/LDB agglomerates and thus decreasing the settling time.

Overall the particle size of emissions from gasoline piston-engine, aircraft and automobiles is much smaller than that found in diesel-fuel trucks. The diesel fuel is intrinsically much higher in aromatics and high molecular weight hydrocarbons. Diesel (16- 18 carbon atoms) versus gasoline (4-12 carbon atoms).

Example Santa Monica Airport:

LDB Particle emissions from aircraft: The table below shows the measured LDB emissions (percent of total emission) for the Santa Monica Airport [4]. The four major emission events are listed. With the exception of Approach, all of these emission events would be close to the Project location in the case of the Oceanside Airport.

Location	Percent LDB emission	Location relative to Project
Climb-out	29%	300-1300 feet
Approach	27%	> 3000 feet
Taxi	15%	400 feet
Run-up	13%	120 feet

Appendix: 2 DPM and Lead– From the Project EIR

Diesel Particulate Matter (DPM). DPM is part of a complex mixture that makes up diesel exhaust. Diesel exhaust is composed of two phases, gas and particle, both of which contribute to health risks. More than 90% of DPM is less than 1 micrometer in diameter (about 1/70th the diameter of a human hair), and thus is a subset of PM2.5. DPM is typically composed of carbon particles ("soot," also called black carbon) and numerous organic compounds, including over 40 known cancer-causing organic substances. Examples of these chemicals include polycyclic aromatic hydrocarbons, benzene, formaldehyde, acetaldehyde, acrolein, and 1,3-butadiene.

Note added: the PM2.5 DPM particles typically have a carbon core with aggregated carbon nanoparticles, metal oxides, sulfates and silicates.

Lead. Lead is a potent neurotoxin that accumulates in soft tissues and bone over time. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. Because lead is only slowly excreted, exposures 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. Symptoms can include fatigue, anxiety, short-term memory loss, depression, weakness in the extremities, and learning disabilities in children.

Appendix 3:Possible mechanisms of particle agglomeration

Agglomeration is the process of loosely gathering particles into a cluster. In the present case, the agglomeration mechanism analysis starts with the DPM. The DPM has a complex surface chemistry [] and a number of agglomeration mechanisms are possible for the LDB particles to attach to them including van der Waals, electrostatics, and capillary effects. This is the classic case of very fine particles, propelled by Brownian motion moving about larger stable particles. This

process is enhanced by the nanoparticle's high surface to volume ratio. The presence of oxygen-containing functional groups on the DPM surface, which can be formed during combustion and also through atmospheric aging processes, significantly influences the amount of chemisorbed water. Chemisorbed water can significantly affect the behavior of DPM particles, including their ability to act as condensation nuclei.

The agglomeration will also depend on humidity, the time particles are in proximity, and temperature.

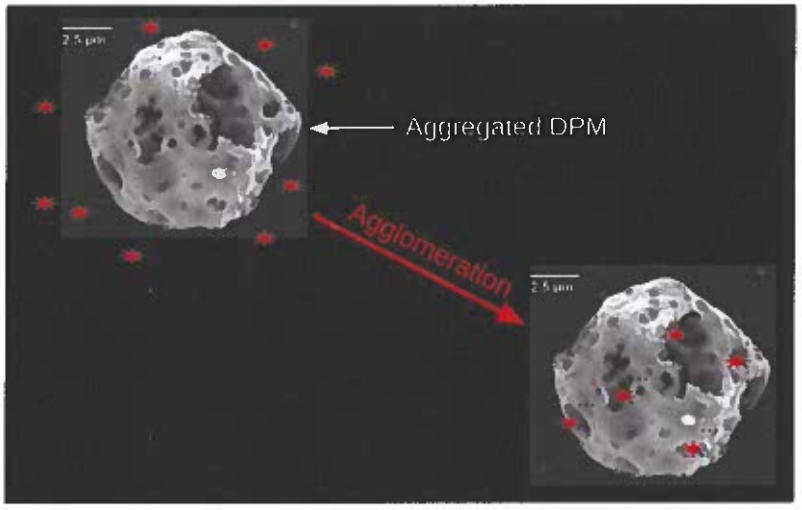
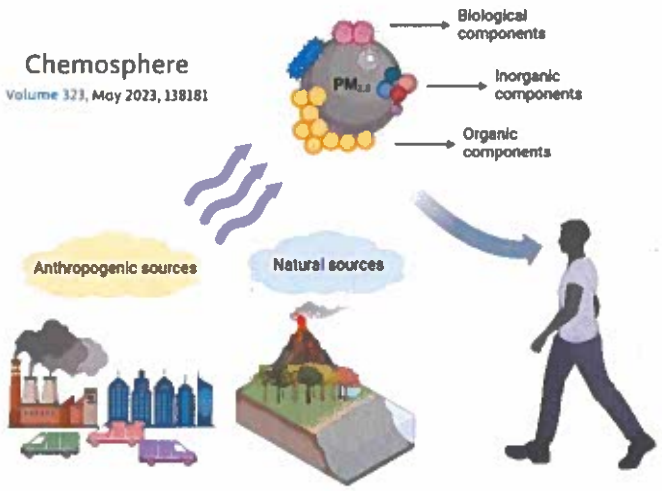


Figure 2 above shows the before and after states of the agglomeration process. The large particle shown is a DPM and the small red particles are meant to represent LDB nanoparticles. The LDB particles are not to scale and would be much smaller than shown in the figure. The product particles (LDB + DPM) have reduced settling times than the starting LDB due to the large size of the agglomerate.

Developing predictions for the agglomeration process is a difficult problem when the particles are in the nanoscale range (5–20 nm) due to the physics of the system being at the intersections between quantum mechanics and discrete particle mechanics. The chemisorbed water layer present on particles is known to have a very low surface energy and can dominate the agglomeration process.

Ref [6] describes this type of process for DPM/soot particles and various other environmental species. The figure below is from this reference showing a particle with PM2.5 and the various types of agglomerated organic and inorganic species. The present concern is for the case of DPM from the Warehouse and nearby LDB for the Airport as the inorganic component. The results of the calculator using Stokes law on Settling velocity is also shown.



Particle	Settling Velocity
PM10 - Diesel	61 feet/hour
PM2.5 - Diesel	4 feet/hour
Lead dibromide- Aircraft *(5-50 Trillion particles/M³*	0.0004 feet/hour
Lead dibromide/PM2.5 agglomerate	4 feet/hour

Note: No level of Lead exposure is considered safe. (US EPA)

References:

1. CalEnviroScreen 4.0
2. B.G. Kim et al Allergy Asthma Immum Res 8 2015
3. J. D. Griffith Atmospheric Pollution Research 11 (2020)
4. EPA Document # 2023-23247
5. Wichmann HE. Inhal Toxicol. 2007;19 Suppl 1:241-4
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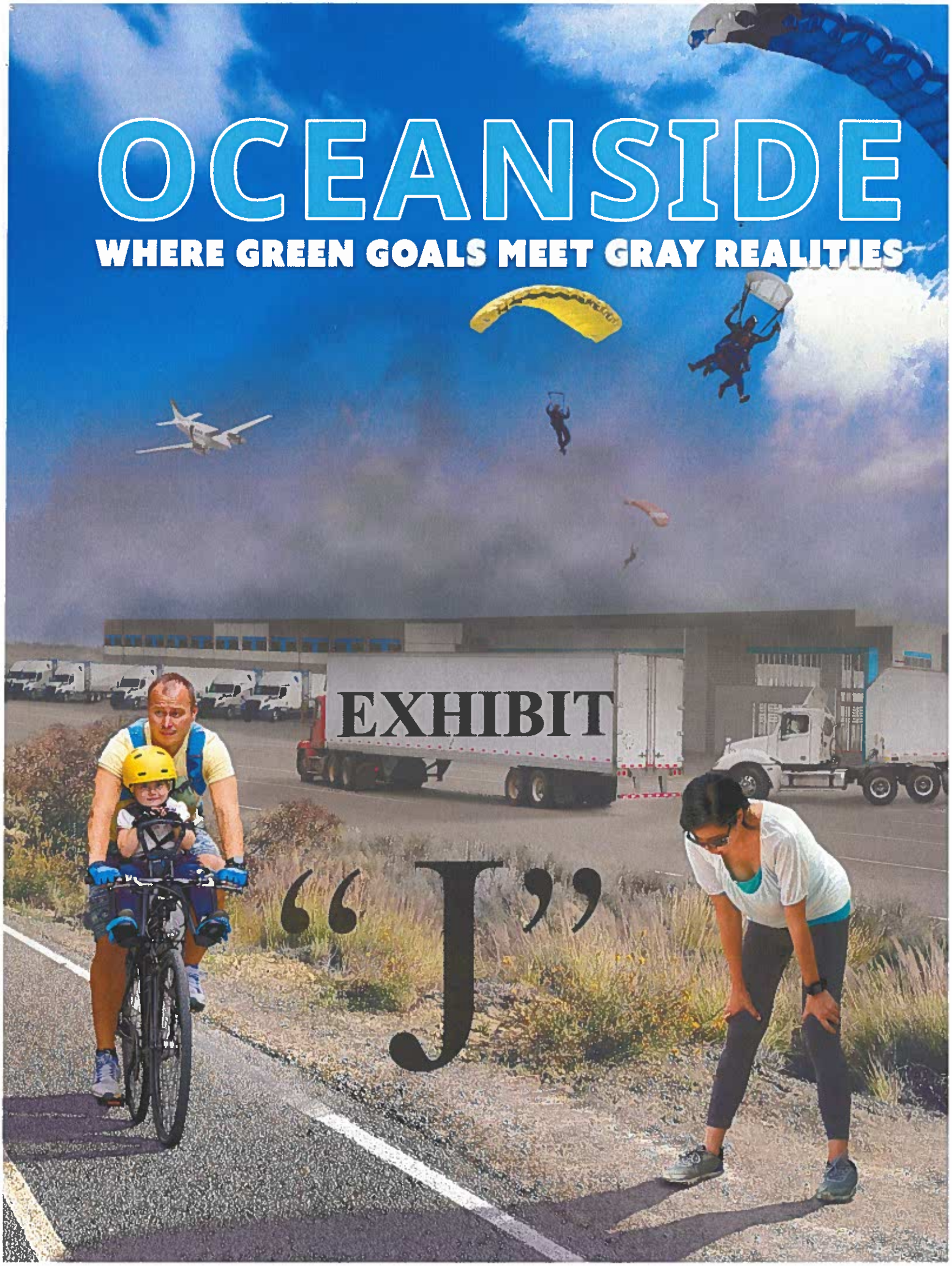
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"J"

January 10, 2024

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization

Robert Dmohowski
Principal Planner
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Via U.S. Mail and email to rdmohowski@oceansideca.org

re: Comments on the Environmental Impact Report for the Eddie Jones Warehouse Manufacturing and Distribution Facility Project, SCH No. 2022070365

Dear Mr. Dmohowski:

Advocates for the Environment submits the comments in this letter regarding the Environmental Impact Report (**EIR**) for the Eddie Jones Warehouse Manufacturing and Distribution Facility Project (**Project**). The Project Site is located at the intersection of Alex Road and Benet Road in the City of Oceanside (**City**), San Diego County. The Project proposes to construct a 566,905 square-foot warehouse facility on the 31.79-acre site. The warehouse would include 114 truck terminals.

Advocates for the Environment is a public interest law firm and advocacy organization with the mission to educate the public about the law as it pertains to the environment and provide legal services in support of environmental causes. We have reviewed the EIR and submit comments regarding the sufficiency of the EIR's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**).

The City Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero.

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the City to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that "achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: "it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed … in order to meet our GHG and air quality targets." (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.)

Moving this Project forward as a net-zero project would not only be the right thing for the City to do, but also would also help protect the City and the Applicant from CEQA GHG litigation.

GHG Significance Analysis

The City estimated the Project's emissions at approximately 7,172.55 metric tons carbon dioxide equivalent (**MTCO2e**) per year. The City used the City of Oceanside's Climate Action Plan (**CAP**) to streamline the CEQA analysis under CEQA Guidelines Section 15183.5. (EIR, p. 4.7-23.) Even though the Project exceeded the CAP bright-line threshold of 900 MTCO2e, the City claimed that the Project would have a less-than-significant impact because it asserts that it was consistent with the CAP Consistency Checklist (**CAP Checklist**) (EIR, p. 4.7-24.) Yet, the City failed to account for several of the CAP Checklist items. Accordingly, the Project would not be consistent with the CAP Checklist and therefore is unable to rely upon the City of Oceanside CAP as a streamlining document to demonstrate a less-than-significant impact.

The EIR adopts the two CEQA Guidelines Appendix G significance criteria, "Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?" (EIR, p. 45.7-23) and "Would the project generate conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?" (EIR p. 4.7-27.) The EIR's analysis of the Project's consistency with both of these thresholds is deeply flawed."

Consistency with the CAP Checklist

The City bases its evaluation under the first threshold on consistency with the City of Oceanside's Climate Action Plan (the CAP). The Project is inconsistent with the CAP. First, there is a "brightline CAP threshold" of 900 MTCO2e/year , and the Project's estimated emissions of 7,173 MTCO2e greatly exceeds this threshold. Second, the CAP's goal is to reduce emissions to 4 MTCO2e/capita by 2030 and 2 MTCO2e/capita by 2050. Given that the "project is expected to employ 590 workers," (EIR, p. 5.13-6), its annual GHG emissions will be 7,173 / 590 = 12.2 MTCO2e/capita. This greatly exceeds both CAP goals.

The City claimed that "the proposed project is consistent with the CAP Consistency Checklist adopted by the City to ensure that the GHG emission targets identified in the CAP are achieved." (EIR, p. 4.7-27.) However, in its incomplete list of checklist items in Table 4.7-7 of the EIR, the City ignored several relevant project-level items. Chapter 5 of the current City of Oceanside CAP outlines the "Project Review Checklist," which includes specific CAP measures in Table 11. The EIR did not demonstrate consistency with three out of seven CAP measures that are identified as Checklist items on Table 11.

First, the Checklist requires Smart Growth Policies which require project-level implementation including promoting new employment-generating land uses within Smart Growth Opportunity Areas (SGOAs). (CAP, p. 5-2). The checklist items listed in Table 4.7-7 of the EIR did not include this aspect, even though this Project would involve non-negligible vehicle trip generation.

Second, Table 11 includes a measure for Expanded Electric Vehicle Charging Infrastructure, in which any project with parking spaces must allow for installation of electric vehicle charging stations on a portion of its parking spaces. (CAP, p. 5-2). Here, the Project would include 590 parking spots (EIR, p. ES-2), so it would be required to adhere to this measure by prewiring a portion of those parking spots to be ready for electric vehicle charging stations in order to be consistent with this measure of the CAP Checklist. However, the Project specifications do not include any such prewiring and this CAP measure was not mentioned anywhere in the GHG analysis.

Third, to be consistent with the CAP Checklist as the City claims that the Project would be, the Project must assign preferential parking spaces to zero emission vehicles to 12% of its parking spaces through the adoption of a Clean Air Vehicle Parking Ordinance; and all industrial uses with parking spaces must adhere to this measure to be consistent with the CAP. (CAP, p. 5-2.) This measure is applicable here because the Project is anticipated to be industrial and involve parking (EIR, p. ES-2.)

Overall, the failure to include, analyze, or account for these three required CAP Checklist measures invalidates the City's claim that the Project would be consistent with the CAP Checklist. The checklist items listed in Table 4.7-7 are an incomplete account of the requirements under the Oceanside CAP to be consistent with the Checklist in its entirety (i.e., including relevant checklist

items listed in Table 11). Therefore, the City cannot rely on the CAP Checklist to demonstrate that the Project would have a less-than-significant impact on GHGs.

Inconsistency with Applicable Plans

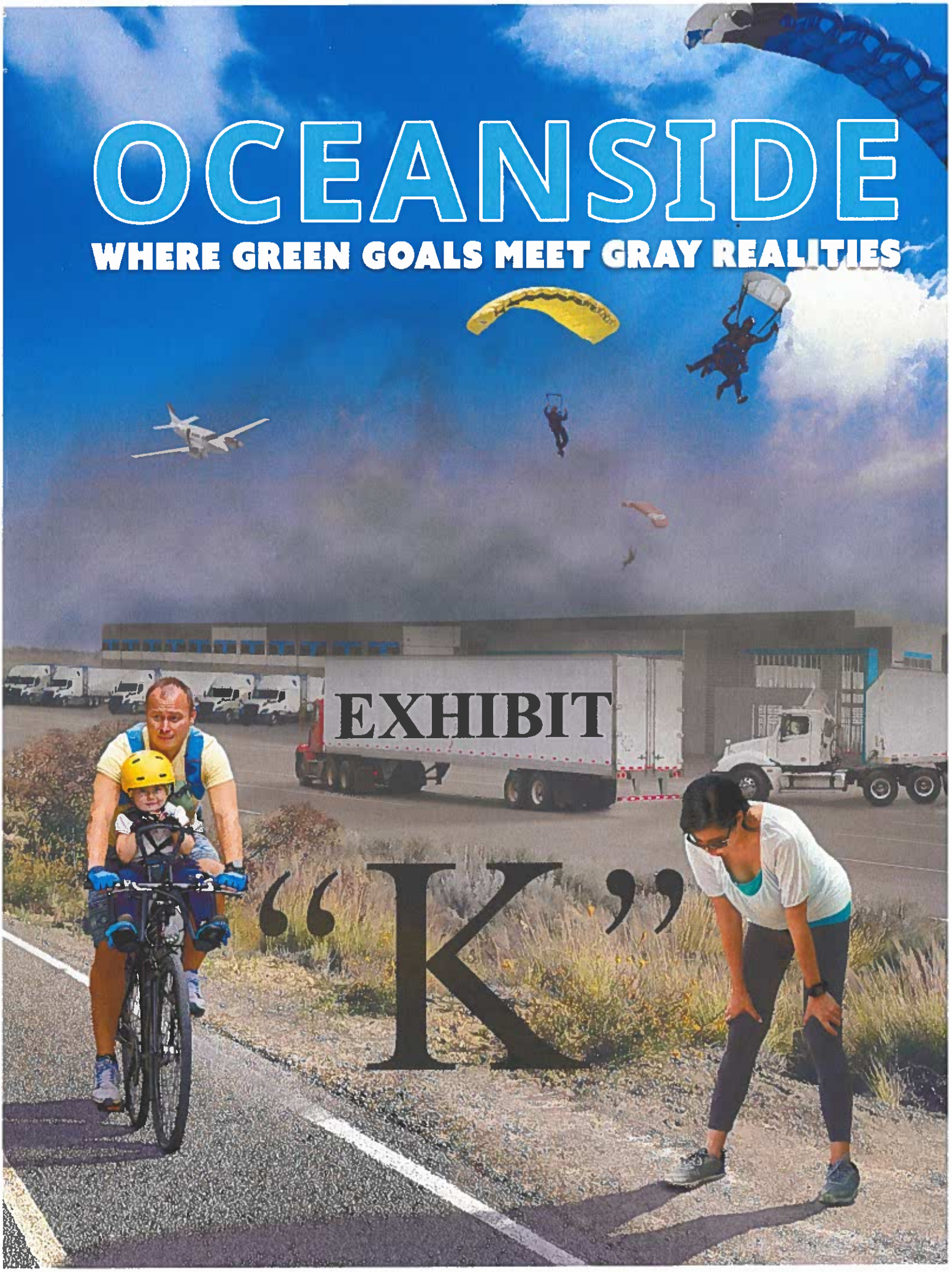
The City did not appropriately apply the second of the two thresholds: whether the Project would "[c]onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases." (EIR, p. 4.7-22.) This language requires that the EIR analyze the Project's consistency with *all* other applicable plans, not just the plans that the City prefers to analyze. However, the City solely analyzed consistency with the CAP, ignoring all other applicable plans, policies, and regulations for the reduction of GHGs, including, but not limited to, the 2022 Scoping Plan for Achieving Carbon Neutrality from the California Air Resources Board (**2022 Scoping Plan**), Senate Bill 32, which requires statewide GHG emissions to be reduced to 40% below 1990 levels by 2030, and Executive Order B-55-18 to achieve carbon neutrality by 2045—within the Project's projected lifespan. The Project is also inconsistent with CARB 2017 Scoping Plan, which sets as a goal the reduction of GHG emissions to 6 MTCO2e/capita by 2030 and 2 MTCO2e by 2050.

Not only did the EIR not include any analysis for how the Project would be consistent with these measures, but the use of diesel and other GHG-emitting fossil fuels would prevent the achievement of at least some of these applicable plans and policies. Therefore, the Project would not only have a significant impact under the CAP, but also the framework that the City adopted when it specified a review focused on conflicts with applicable plans, policies, and regulations.

The EIR's Reported Overall Emissions Differs from the CalEEMod Overall Outputs

CalEEMod was used as a model to estimate anticipated Project emissions. The CalEEMod analysis was included Appendix B to the EIR and was inconsistent with the EIR itself, resulting in inaccurate and misleading information for the public and decision-makers. These inconsistencies could have resulted in erroneous or underreported GHG emissions quantifications which undermine the EIR's usefulness as an informational document.

When a lead agency makes an estimate for project emissions, it should carefully and completely demonstrate the that the emissions outputs from the model are consistent with the analysis in the EIR, to be accurate and not misleading about the GHG impact of the Project. Here, however, the CalEEMod overall outputs do not fully align with the information in the EIR. CalEEMod was run in three different runs: (1) Annual, (Operational emissions of approximately 8,142); (2) Summer (Operational emissions of approximately 31,178 MTCO2e); and (3) Winter (Operational emissions of approximately 30,442 MTCO2e). (Appendix B.)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Notably, the operational emissions estimate included in the EIR is a much lower number of 7141.86 (subtracting amortized construction emissions), which the City claimed was from CalEEMod calculations, but does not align with the CalEEMod outputs included in Appendix B. It is not clear how this quantification was reached. The "Winter" and "Summer" CalEEMod runs were not included in the totals or mentioned in the EIR at all. There is also no indication of why the CalEEMod outputs for Winter and Summer are each more than four times the amount of the estimate reported in the EIR. Nor did the City discuss why it omitted these outputs from the EIR, which are much higher than the estimate that the City used for its significance analysis. This is confusing, misleading, and not supported by substantial evidence.

Conclusion

For the reasons given in this letter, the EIR is not in conformance with CEQA requirements. Notably, the significance analysis was incorrect, and the City should have concluded that the Project would contribute to a significant GHG impact because it is over the CAP screening threshold and inconsistent with the CAP. Besides the emissions quantification and streamlined checklist review, which was insufficient to demonstrate a consistency with the CAP, the City did not provide any evidence to support a finding of less-than-significant impact, and therefore the determinations in the EIR are not supported by substantial evidence.

Please put Advocates for the Environment on the interest list to receive updates about the progress of this Project.

Sincerely,

Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

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Re: Draft Environmental Impact Report for Eddie Jones Warehouse, Manufacturing and Distribution Facility Project (SCH No. 2022070365)

Dear Mr. Dmhowski:

The following comments on the Draft Environmental Impact Report ("DEIR") for the Eddie Jones Warehouse, Manufacturing and Distribution Facility Project (SCH No. 2022070365) are submitted on behalf of the Eddie Jones Go Fund Me Trust. As an initial matter, the Eddi Jones Go Fund Me Trust objects to the DEIR and the Project as the DEIR fails to meet the requirements of the California Environmental Quality Act ("CEQA") Public Resources Code, section 21000 *et seq.* Thus, the FEIR is legally inadequate.

A. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

"CEQA is a comprehensive scheme designed to provide long-term protection to the environment. [Pub. Resources Code, §21001.] In enacting CEQA, the Legislature declared its intention that all public agencies responsible for regulating activities affecting the environment give prime consideration to preventing environmental damage when carrying out their duties. [Pub. Resources Code, § 21000(g).] CEQA is to be interpreted 'to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.' [*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259]". (*Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 112; *see also Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 511.) The EIR, "with all its specificity and complexity, is the mechanism prescribed by CEQA to force informed decision making and to expose the decision-making process to public scrutiny. (*Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 910; citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.) This interpretation remains the benchmark for judicial interpretation of CEQA. (*Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I")* (1988) 47 Cal.3d 376, 390, quoting *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263, 274.) As the *Laurel Heights I* court noted, "[i]t is, of course, too late to argue for a grudging, miserly reading of CEQA." (*Laurel Heights I, supra*, 47 Cal.3d at 390.) The "foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in

such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.'" (*Sierra Club, supra*, 6 Cal.5th at 511, quoting *Friends of Mammoth, supra*, 8 Cal.3d at 259.)

The EIR is "the heart of CEQA" and "an environmental alarm bell whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological point of no return." (*Id.* at 392.) The EIR is the "primary means" of ensuring that public agencies "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." (*Id.*, quoting Pub. Resources Code, § 21001(a).) The EIR is also a "document of accountability," intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its actions." (*Laurel Heights I, supra*, 47 Cal.3d at 392 (quoting *No Oil, Inc., supra*, 13 Cal.3d at 86.) Thus, "[t]he EIR process protects not only the environment but also informed self-government." (*Ibid.*)

The central purpose of an EIR is to identify the significant environmental effects of the proposed project, and to identify ways of avoiding or minimizing those effects through the imposition of feasible mitigation measures or the selection of feasible alternatives. (Pub. Resources Code, §§ 21002, 21002.1(a), 21061.) "The basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (Pub. Resources Code, § 21061; *see* Title 14 Cal. Code Regulations ("CEQA Guidelines") § 15003(b)-(e); *Sierra Club v. County of Fresno, supra*, 6 Cal.5th at 511; *Mountain Lion Foundation v. Fish & Game Commission, supra*, 16 Cal.4th at 113.) Thus, an EIR must provide information to government decision-makers and the public about the potential significant environmental effects of proposed projects (CEQA Guidelines, § 15002(a)(1);) and disclose to the public the reasons for approval of a project that may have significant environmental effects. (*Id.*, § 15002(a)(4).) This informed decision making and public participation constitutes the fundamental cornerstones of the CEQA process. (*See Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; *Laurel Heights I, supra,* 47 Cal.3d 376.)

A legally adequate EIR must "facilitat[e] 'informed decision making and informed public participation.'" (*Sierra Club, supra*, 6 Cal.5th at 513, *quoting California Native Plant Society v, City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988.) "To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions." (*Laurel Heights I, supra,* 47 Cal.3d at 404-405, quotation omitted.) "And . . . a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact." (*Sierra Club, supra,* 6 Cal.5th at 519, *citing Cleveland Nat'l Forest Found. v. San Diego Assn. of Govts.* (2017) 3 Cal.5th 497, 514-515.) An EIR lacking such information does not "includ[e] enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'" (*Sierra Club, supra*, 6 Cal.5th at 516, *quoting Laurel Heights I, supra*, 47 Cal.3d at 405.)

An EIR also "must" include "a disclosure of the 'analytic route the agency traveled from evidence to action.'" (*Laurel Heights I, supra*, 47 Cal.3d at 404, *quoting Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.) If this "'analytic route' has not been revealed," it is impossible for "others, be they courts or constituents, [to] intelligently analyze the logic of the [agency's] decision." (*Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 441.) "The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. 'Information "scattered here and there in EIR appendices" or a report "buried in an appendix," is not a substitute for 'a good faith reasoned analysis.'" (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442 ("*Vineyard*"), *quoting California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4th 1219, 1239.) Finally, the "audience to whom an EIR must communicate is not the reviewing court but the public and the government officials deciding on the project. That a party's briefs to the court may explain or supplement matters that are obscure or incomplete in the EIR, for example, is irrelevant, because the public and decision makers did not have the briefs available at the time the project was reviewed and approved. The question is therefore not whether the project's significant environmental effects can be clearly explained, but whether they were." (*Vineyard, supra*, 40 Cal.4th at 443.) "'Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in that report.'" (*Laurel Heights I, supra,* 47 Cal.3d at 405.) Thus, the "preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. [Citation.] For the EIR to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made." (*Vineyard, supra*, 40 Cal.4th at 449-450, *citing Laurel Heights, supra,* 47 Cal.3d at 391-392.)

CEQA requires a lead agency to adopt feasible alternatives or feasible mitigation measures that can substantially lessen a project's significant environmental impacts. (Pub. Resources Code, § 21002; CEQA Guidelines, § 15002(a)(3); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.) For that reason, "[t]he core of an EIR is the mitigation and alternatives sections." (*Citizens of Goleta Valley v. Board of Supervisors, supra,* 52 Cal.3d at 564.) CEQA requires the preparation of an EIR in order to identify the significant effects on the environment of a project, so that measures to mitigate or avoid those effects, or alternatives that avoid those effects, can be devised. (Pub. Resources Code, §§ 21002.1(a), 21060.) CEQA Guidelines section 15126.4 requires that the Final EIR describe all feasible measures that can minimize significant adverse impacts of the project. CEQA does not allow an agency to defer analysis of impacts and mitigation measures. (CEQA Guidelines § 15126.4(a)(I)(B).)

Compliance with the procedural requirements of CEQA sets the stage for development of

mitigation measures and alternatives. Without a proper procedural foundation, a local agency cannot comply with CEQA's mandate 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.)

B. THE DRAFT ENVIRONMENTAL IMPACT REPORT FAILS TO COMPLY WITH CEQA

1. Section 2: Environmental Setting

CEQA requires that "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 is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. (CEQA Guidelines, § 15125, subd. (a).)" (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 469.) "The selected baseline must result in a reliable evaluation of a project's impacts." (*Id.* at 470.)

In the present matter, the DEIR failed to include the nearby wildlife preserves such as Wanis View Wildlife Preserve and the wildlife corridors in the environmental setting. Having failed to disclose or discuss the wildlife preserves and/or wildlife corridor the DEIR fails to inform the decisionmakers and the public whether the Project may have potentially significant impacts to biological resources. (*See* discussion below, Section 4.3 Biological Resources.).

2. Section 4.2: Air Quality

An EIR is legally when adequate when it fails to include a discussion of project related air pollution impacts and fails to describe the nature and magnitude of the significant impacts on public health that would result from the project. (*Sierra Club v. County of Fresno, supra,* 6 Cal.5th at 520.) An EIR must provide information sufficient to allow interested parties "to understand and to consider meaningfully the issues the proposed project raises." (*Id.* at 510.)

In the present matter, the DEIR failed to adequately analyze and disclose discussion and analysis of the Project's impacts on air quality. As set forth in the Technical Memorandum from Ray Kapahi, Environmental Permitting Specialists ("EPS") the DEIR relies upon an old version of the CalEEMod Emissions model.[1] As set forth in the in the EPS Technical Memorandum, the current version of CalEEMod addresses the Project's risk to the climate. Additionally, the EPS Technical Memorandum points out that the DEIR's use of only the daily thresholds of significance to determine significance does not fully characterize the air quality impacts to the nearby homes. Moreover, as discussed in the EPS Technical Memorandum, the DEIR fails to provide the required analysis to regarding air quality impacts to nearby sensitive receptors.

[1] A copy of the EPS Technical Memorandum is attached to these comments as Exhibit A.

Instead, the DEIR simply concludes that the impacts would be less than significant. When a DEIR's conclusion lacks analysis or omits the magnitude of the impacts it violates CEQA's informational requirements. (*Id.* at 514.).

The DEIR's also fails to provide an analysis of cumulative impacts associated with air quality. As indicated in the EPS Technical Memorandum, the DEIR concludes that since project level impacts are less than significant, then cumulative impacts would be less than significant. This is not the analysis that CEQA requires. Cumulative impacts are "two or more individual effects which, when considered together, are considerable or which, when considered together, are considerable or which compound or increase other environmental impacts. (CEQA Guidelines, § 15355.) A cumulative impact is an impact created by the combination of the project reviewed in the EIR together with other projects causing related impacts. (CEQA Guidelines, 15130(a)(1).) In determining whether the DEIR must analyze a cumulative impact, the agency must make two determinations: 1) is the combined impact of the project and other projects significant? And, is the project's incremental effect cumulatively considerable? (*See* CEQA Guidelines, § 15130(a).) Thus, when a project-specific impact may be insignificant, there can still be a related cumulative impact that is significant. (*Id.*; *see also Environmental Protection Information Center v. Development of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 524.)

As discussed by EPS, the cumulative impact analysis fails to address the proposed Ocean Kamp Project as well as the cumulative health risks. Despite the DEIR's failure to address the cumulative impacts associated with Ocean Kamp, there are significant cumulative air quality impacts for multiple air pollutants. (*See* EPS Technical Memorandum at 3-4.) This failure to address the Project's cumulative air quality impacts violates CEQA's requirements. (*See* CEQA Guidelines, § 15130(a).)

The DEIR's approach also contradicts the California Attorney General's guidance for evaluating warehouse projects. (*See Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act*, State of California Department of Justice, ("*Warehouse Projects*") at 7.)[2] With respect to evaluating air quality and greenhouse gas emissions, the Attorney General states:

> When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.

Thus, the DEIR clearly fails to provide an adequate cumulative impacts analysis with respect to air quality.

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[2] A copy of the *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act*, State of California Department of Justice, is attached as Exhibit B.

The EPS Technical Report found that emissions of NOx, PM10 and PM2.5 would violate the ambient air quality standards by a substantial margin. (EPS Technical Report at 4.) As demonstrated in report, the spatial distribution of pollutant concentration demonstrates that the project exceeds the applicable air quality standards. (*Id.*) This also results in higher cumulative impacts as the DEIR fails to include emissions from the Oceanside Municipal Airport.

The EPS Technical Report also points out that the DEIR's conclusion that air quality impacts are less than significant are misleading lack substantial evidence, as future emissions from manufacturing and truck emissions are largely unknown. Thus, the conclusion is speculative and not supported by substantial evidence. (*See King v. Gardiner Farms v. County of Kern* (2020) 45 Cal.App.5th 814, 666.)

The DEIR also fails to adequately address the air pollution based upon the entire expected length of truck trips truck trips. The DEIR states the "[T]he light-duty, medium-heavy-duty and heavy-duty truck trip lengths were based upon the 40 miles and assumed to be 100% of primary trips. (DEIR at 4.2-21.) The DEIR references assumptions made by the San Diego County Air Quality Management Districts' 2016 AQMP. (*Id.*) Nothing in the record, however, indicates that these assumptions are consistent with the operations of this warehouse project. As discussed by the Attorney General:

> Disclosing air pollution from the entire expected length of truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur. (*Warehouse Projects* at 7.)

Thus, the DEIR needs to evaluate this warehouse project and calculate the expected length of truck trips in to adequately disclose and analyze the Project's air quality impacts.

3. Section 4.3: Biological Resources

"A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.'" [Citations.]" (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 942.) In this matter, the DEIR precludes informed decisionmaking and informed public participation by failing to include relevant information regarding biological resources. More specifically the nearby wildlife preserves and wildlife corridors.

The comments submitted by the Wanis View Wildlife Preserve demonstrate that the DEIR's failure to address the Project's potentially significant impact to wildlife, including protected bird nesting, wildlife communication, and wildlife movement. (*See* Comments prepared the Wanis View Wildlife Preserve Volunteers ("Wanis View".) As demonstrated in the

comment letter, the Project has the potential for significantly impacting a wildlife corridor that includes the Wanis View Wildlife Preserve, San Luis Rey River and SeaCliff Preserve. Also, as discussed in the Wanis View comments there are a number of special interest species within the Wanis View Preserve that were never mentioned in the DEIR. The DEIR's failure to disclose the required information is prejudicial regardless of whether a different outcome would have resulted if the public agency had complied' with the law. (Pub. Resources Code, § 21005(a); *Neighbors for Smart Rail, supra,* 57 Cal.4th at 463; *Banning Ranch Conservancy, supra,* 2 Cal.5th at 942.)

4. Section 4.5: Energy

The DEIR fails to comply with CEQA's requirement for analysis and disclosure regarding the Project's energy consumption. The DEIR concludes that "[t]he project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction; impacts related to temporary energy consumption during construction of the project would be less than significant." (DEIR, 4.5-15.). The DEIR further concludes that "energy consumption associated with the operation of the project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources; impacts would be less than significant." (DEIR, 4.5-17.) Both of these conclusions are not supported by substantial evidence and the DEIR fails to contain a discussion on whether the Project could increase its reliance on renewable energy sources. (*See California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 213; *see also League to Save Lake Tahoe et al. v. County of Placer* (2022) 75 Cal.App.5th 63, 164-168.)

CEQA requires an EIR to evaluate whether the project would result in wasteful, inefficient or unnecessary consumption of energy resources. An agency's failure to undertake "an investigation into renewable energy options that might be available or appropriate for a project" violates CEQA. (*California Clean Energy Committee v. City of Woodland, supra,* 225 Cal.App.4th at 213.) CEQA defines "energy conservation" as the "wise and efficient use of energy. (CEQA Guidelines, App. F, § I.) The "wise and efficient use of energy" is achieved by "(1) decreasing overall per capita energy consumption, (2) decreasing reliance on fossil fuels such as coal, natural gas and oil, and (3) increasing reliance on renewable energy resources." (*Id.*)

"CEQA requires an EIR to analyze a project's energy consumption. (§ 21100, subd. (b)(3); Guidelines, § 15126.4, subd. (a)(1), Appendix F.) If analysis of the project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources, the EIR shall mitigate that energy use. (Guidelines, § 15126.2, subd. (b).)" (*League to Save Lake Tahoe, supra,* 75 Cal.App.5th at 166.).

Noting that compliance with the California Building Energy Efficiency Standards (Cal.Code Regs., tit. 24, part 6 (Title 24) does not constitute an adequate analysis of energy.

(*Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 264-65 (*Ukiah Citizens*).) Similarly, the court in *California Clean Energy Committee* held unlawful an energy analysis that relied on compliance with Title 24, that failed to assess transportation energy impacts, and that failed to address renewable energy impacts. (*California Clean Energy Committee v. City of Woodland, supra,* 225 Cal.App.4th at 209-13.) As such, the EIR's reliance on Title 24 compliance does not satisfy the requirements for an adequate discussion of the Project's energy impacts.

"Guidelines section 15126.2, subdivision (b), and Appendix F to the Guidelines thus indicate an EIR should address the project's potential to increase its use of renewable energy sources for at least two purposes. First, when the EIR analyzes the project's energy use to determine if it creates significant effects, it should discuss whether any renewable energy features could be incorporated into the project. (Guidelines, § 15126.2, subdivision (b).) The EIR's determination of whether the potential impact is significant is to be based on this discussion. Second, if the EIR concludes the project's impact on energy resources is significant, it should consider mitigating the impact by requiring uses of alternate fuels, particularly renewable ones, if applicable. (Guidelines, Appendix F., II. D. 4.)" (*League to Save Lake Tahoe et al. v. County of Placer, supra,* 75 Cal.App.5th at 167.)

With respect to construction, the DEIR discusses the fuel consumption from construction equipment. (DEIR 4.5-13 to 4.5-15.) The DEIR concludes that the project would not significantly affect the overall demand for petroleum considering the project's minimal contribution towards demand. (DEIR 4.5-15.) The DEIR further concludes that the energy demands of diesel and gasoline would be small relative to statewide and local demands for fuel. (*Id.*) The DEIR further states that the Project would be commensurate with typical construction projects. (*Id.*) Thus, business as usual. This is not what CEQA or CEQA requires. The EIR omits any discussion or analysis with respect to construction of whether the project could increase its reliance on renewable energy sources to meet its energy demand. (*See California Clean Energy Committee v. City of Woodland, supra,* 225 Cal.App.4th at 213; *see also League to Save Lake Tahoe et al. v. County of Placer, supra,* 75 Cal.App.5th at 164-168.)

As for energy consumption regarding operation of the Project, the DEIR provides a summary of the Project's energy requirements and that the Project would meet the Title 24 requirements/standards. (DEIR, 4.5-17-4.5-17.) The DEIOR also concludes that although the Project would result in an increase in natural gas and electricity over the City's typical annual natural gas and electricity consumption, the result would be a nominal increase. (*Id.*, 4.5-19.) The then determines that the Project's "resultant increase in energy demand would not exceed the available capacity of SDG&E [San Diego Gas & Electric] servicing infrastructure to the site or beyond and would be consistent with local and regional plans for usage of the project site the energy consumption with that usage." (*Id.*)

Again, this is not what CEQA requires. Simply stating that the Project will comply with Title 224 does not constitute an adequate analysis of energy. (*Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 264-65; *California Clean Energy Committee, supra,*

225 Cal.App.4th at. 209-213 (inadequate energy analysis that relied on compliance with Title 24, but failed to assess transportation energy impacts, and that failed to address renewable energy impacts).) The DEIR contains no discussion or analysis of any renewable energy features that could be incorporated into the project. This failure violates CEQA.

Also, it should be noted that a significant portion of the Project is to serve as a distribution facility which includes significant a significant amount semi-trucks coming and going to the Project. The Project includes 60 tractor/truck/trailer parking stalls and sixty-seven (67) loading bays for tractor/trailers. Despite the fact that the Project operation will include a constant flow of semi-trucks coming and going on a daily basis consuming significant amounts of energy, nothing in the DEIR's section regarding energy consumption provides any discussion whether renewable energy features could be incorporated into the project to reduce energy consumption regarding the energy consumed by the semi-trucks. The failure to include renewable energy options that might be available or appropriate for the project violates CEQA. (*California Clean Energy Committee, supra,* 225 Cal.App.4th at 209.)

5. Section 4.14: Traffic & Circulation

The DEIR fails to adequately address the Project's potentially significant impacts to traffic safety. As discussed in the report prepared by Greenlight Traffic Engineering the DEIR fails to address the increased safety risk of mixing greater percentages of heavy truck traffic with passenger car traffic. (Greenlight Report at 3.)[3] The Greenlight report concludes that although the growth in truck traffic resulting from the Project raises serious concern regarding road safety, the DEIR fails disclose and/or analyze this heightened safety risk resulting from the Project.

This potential impacts associated with truck traffic and warehouse projects is further illustrated by the Attorney General:

> Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted. (*Warehouse Projects* at 11.)

The DEIR simply omits any discussion regarding the increased risk to traffic safety with the large influx of large trucks and trailers to the area.

With respect to vehicle miles travelled ("VMT"), the DEIR determined that the Project would have a significant impact on VMT as it would result in 87.9 of the national average which exceeds the VMT threshold by 2.9. (DEIR 4.14-8.) The DEIR then relies upon MM-TRA-1

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[3] A copy of the Greenlight Traffic Engineering's Peer Review Report is attached as Exhibit C.

required to implement a Voluntary Employer Commuter Program. The EIR then concludes that the Voluntary Employer Commuter Program Commuter Program would result in a VMT reduction of 6.2%. (DEIR at 4.14-8.) That brings the VMT to below 85% - the VMT threshold – and a determination that after the Mitigation Measure-TRA-1, the impact to VMT would be less than significant. (DEIR at 4.14-10.) It is unclear from the DEIR how the City determined that the implementation of MM-TRA-1 would result in a VMT reduction of 6.2%. The determination that MM-TRA-1 would result in a VMT reduction of 6.2% must supported by substantial evidence.[4] (*See King v. Gardiner Farms v. County of Kern, supra,* 45 Cal.App.5th at 666; *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95.) Nothing in DEIR explains how the 6.2% was derived or determined.

Moreover, mitigation measure is for a voluntary program. A voluntary mitigation measure does not constitute an enforceable mitigation measure as required by CEQA. (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, 15126.4(a)(2); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116.) Mitigation measures must be enforceable so that they will actually be implemented, not adopted and ignored. (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) The DEIR fails to explain how a voluntary program is enforceable to insure that there are sufficient reductions in VMT to support the conclusion that the potentially significant impact would be less than significant.

6. Section 4.17: Wildfire

The DEIR recognizes that the project site is within a Very High Fire Hazard Severity Zone (VHFHSZ). The DEIR also recognizes that the vegetation in the San Luis Rey River corridor to the north could present a wildfire risk, but then is somewhat dismissive asserting that land uses to the south and east are largely urban and do not present a wildfire risk. (DEIR at 4.17-2.) VHFHSZ is Cal-Fire's highest level of fire hazard. (Gov't Code, § 51178.)

Based upon comments received it is clear that the DEIR failed to adequately address the Project's impact on evacuation of the area in the event of a wildfire. The comments from residents of the area with personal knowledge of traffic flow and the street system have clearly demonstrated that the numerous trucks entering and exiting Benet Road and Highway 76 will impact evacuation and emergency vehicle movement in case of wildfire.

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[4] CEQA defines "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made ... is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate ... does not constitute substantial evidence." (CEQA Guidelines, § 15384(a).)

These personal observations of the neighbors and residents to the Project constitutes substantial evidence. (*Pocket Protectors v. City of Sacramento* (2005) 124 Cal.App.4th 903, 937.) Relevant personal observations of area residents on nontechnical subjects, such as aesthetics and traffic qualify as substantial evidence for a fair argument. (*Id., Ocean View Estates Homeowner's Assn., Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 402; *Citizens Ass'n for Sensible Development v. County of Inyo* (1985) 172 Cal.App.3d 151, 173 (owner of adjacent property may, based upon personal observations, testify to existing traffic conditions). Thus, while an individual may not be an expert, their firsthand observations should not casually be dismissed as immaterial because "relevant personal observations are evidence." (*Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist., supra,* 116 Cal.App.4th at 402.)

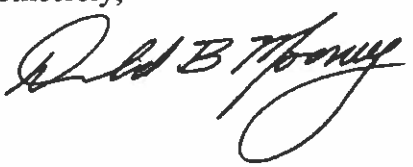
Additionally, Greenlight's peer review came to a similar conclusion regarding wildfire and evacuation. After reviewing the DEIR, Greenlight concluded that "the City has not adequately planned for emergency evacuation in the event of wildfire, nor has the developer identified how this risk will be mitigated with the increase in traffic congestion." (Greenlight at 3.)

The lack of discussion and analysis regarding wildfire risk, and in particular impacts to evacuation means the DEIR fails as an informational document. This violates the most basic purpose of an EIR to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (Pub. Resources Code, § 21061; *see* CEQA Guidelines § 15003(b)-(e); *Sierra Club v. County of Fresno, supra*, 6 Cal.5th at 511; *Mountain Lion Foundation v. Fish & Game Commission, supra*, 16 Cal.4th at 113.)

C. Conclusion

The DEIR fails to meet CEQA's most basic requirements of informed decision making and informed public participation. (*See Sierra Club v. County of Fresno, supra*, 6 Cal.5th at 513.) Thus, the DEIR is legally inadequate.

Sincerely,



Donald B. Mooney
Attorney for Eddie Jones
Go Fund Me Trust

Attachments

cc: Client

EXHIBIT A

EXHIBIT A

EPS
ENVIRONMENTAL PERMITTING SPECIALISTS
Air Quality • Permitting • OHSA • RMP/PSM

TECHNICAL MEMORANDUM

To: Justin Floyd
Eddie Jones GoFundMe Trust
Oceanside, California

Date: December 20, 2023

From: Ray Kapahi RK
Tel: 916-687-8352
E-Mail: ray.kapahi@gmail.com

Subject: Review and Analysis of Project Level and Cumulative Impacts to Air Quality Related to the Proposed Eddie Jones Warehouse, Oceanside, California

INTRODUCTION

I have reviewed the air quality impacts presented in the October 2023 Draft Environmental Impact Report (DEIR) for the Eddie Jones Warehouse and Distribution Facility in Oceanside, CA. The proposed project is to be located on a 31.79-acre site at 250 Eddy jones Way in Oceanside. The project site is adjacent to the Oceanside Municipal Airport and is approximately 1,000 feet South of a residential area (Figure 1).

There were two main objectives in preparing this analysis:

1. Review the DEIR for accuracy and completeness

2. Evaluate project level and cumulative impacts to air quality

The overall goal is to determine if the proposed project would cause significant air quality impacts to homes and businesses near the project site. A project is considered to have a significant air quality impact if one or more ambient (outside) air quality standards are violated. Similarly, cumulative impacts are considered significant if impacts from the proposed project plus impacts from other nearby projects (either existing or proposed) would violate the ambient air quality standards. These standards cover the so called "Criteria Air Pollutants" that include:

- Carbon Monoxide (CO)
- Oxides of Nitrogen (NOx)
- Particulate Matter (PM10 or PM2.5)

A copy of these standards is attached. An air quality standard consists of an averaging time and a numerical concentration. For example, the federal 1-hour NOx standard is 100 pars per billion or 188 micrograms per cubic meter (ug/m3).

In addition to the Criteria Air Pollutants, a project is considered to have significant air quality impact if it releases toxic air contaminants (TACs). Unlike for criteria air pollutants that have air quality standards in terms of concentration, TACs are regulated in terms of health risks. For example, a cancer risk of 1 in a million from exposure to a TAC. Emissions of TACs are considered significant if cancer risk exceed 10 in a million or if non-cancer risk exceeds a hazard index of 1. TACs include pollutants such as benzene from car exhaust and diesel particulate from construction equipment and trucks.

REVIEW OF DEIR

The air analysis appears in Section 6.4.2 of the DEIR and in a separate document "Air Quality and Greenhouse Gas Emissions Technical Report" September 2023. The DEIR and the Technical Report conclude that the project would not cause any significant air quality impact nor would contribute to any new violations of the air quality standards. The Technical Report further asserts that since project level impacts are insignificant, then cumulative impacts would also be insignificant. The report cites the San Diego Air Pollution Control District (SDAPCD) significance thresholds as the basis for determining the significance of impacts.

As shown in the next section of this memorandum, the construction phase of the project would violate multiple air quality standards at a project level. These violations are exacerbated when the project is viewed with other existing or planned project. The impacts from the operational (occupancy) phase cannot be fully determined as there is substantial uncertainty as to future tenants and what activities may occur at the site. Therefore, future impacts from for the operational phase remain largely unknown.

My specific findings are as follows:

Old Version of the Emissions Model Used

The DEIR used an old version of the CalEEMod Emissions model to calculate daily and annual emissions and then compared these emissions against the thresholds of significance. Version 2020.4.0 was used instead of the current version 2022.1.

The current version of CalEEMod provides, among other things, details of the project's risk to the climate which is a key issue for this project. Since pollutant emission rates are at the core of the impact analysis and conclusions presented in the DEIR, this is a critical oversight.

Air Quality Impacts are Significant

Use of only the daily thresholds of significance to determine significance does not fully characterize the air quality impacts to the nearby homes and businesses. This is because impacts to nearby homes are related to the concentration of various air pollutants not their daily mass emission rates. Concentrations

are related not just to the daily emission rates but also on numerous other factors such as proximity to homes and businesses and local weather conditions.

The CEQA Guidelines Appendix G[1] specifically requires the evaluation of pollutant concentration to sensitive receptors. The DEIR however, provides no analysis that addresses this issue but merely concludes that impacts would be less than significant.

Cumulative Impact Analysis is Incomplete

The DEIR concludes that since project level impacts are less than significant, then cumulative impacts would also be less than significant[2]. This logic is flawed. Under this interpretation, the only project would significant cumulative impacts would be those that have project level significant impacts. Under this reasoning for example, 10 projects each with project level impact less than significant would insignificant cumulative impact. This is clearly false.

Cumulative impact analysis requires that emissions from all current or future project be evaluated to determine impacts. This was not done. As discussed later in this memorandum, I evaluated the emissions from the proposed Ocean Kamp project and found significant cumulative air quality impacts for multiple air pollutants. Cumulative impact analysis also needs to address cumulative health risks. This was also missing in the DEIR.

Impacts from Emissions of Toxic Air Contaminants May be Significant

The DEIR analyzed public health risks (presented in Table 4.2-1). These risks do not take into account the fact that future truck/manufacturing emissions are mostly unknown. For example, trucks equipped with transport refrigeration units (TRUs) had small and highly polluting diesel engines that release DPM. Emissions from such engines were not quantified nor included in the risk analysis.

IMPACTS TO AIR QUALITY

As noted previously, air quality impacts depend on the exposure concentration of various air pollutants. I used an air dispersion model to calculate the pollutant concentration based on the daily project and cumulative emission rates of several air pollutants.

METHODOLOGY

My analysis focused on the following air pollutants.

Air Pollutant	Maximum Mitigated Emission Rate Construction Phase *Source: DEIR Table 8*		Applicable Air Quality Standard
	Pounds/Day	Pounds/Hour	
Oxides of Nitrogen (NOx)	42.29	5.29	188 ug/m3 over 1 hour (Federal)
Respirable Particulate Matter (PM10)	10.29	1.28	50 ug/m3 over 24 hours (State)
Fine Particulate Matter (PM2.5)	5.76	0.72	35 ug/m3 over 24 hours (State)
Note: Hourly emissions during the construction phase equal lbs/day divided by 8 hrs/day			

[1] This is acknowledged in Section 4.2.3 of the DEIR.

[2] See discussion in the Executive Summary under "Cumulative Impacts". Page VIII.

Fur cumulative impacts, I used the emission rates provide in Table 5.1-2 of the Ocean Kamps SEIR[3].The air dispersion model (AERMOD) used in the analysis has been designated as 'Preferred Model" by the Environmental protection Agency (EPA) and by the SDAPCD. A description of this model is attached. In addition to project emission rates, application of this model requires the use of hourly weather data (wind speed, wind direction, temperature, etc.). I used 3 years of hourly weather data from Camp Pendelton for the period 2019 to 2021. A total of 26,280 hours of weather data were utilized. These data were processed by SDAPCD and made available to us. The modeling area used in the analysis is shown in Figure 2.

The results are displayed in terms of numerical concentration in ug/m3 as well as contour plots showing the spatial distribution of pollutant concentration in the vicinity of the project site.

FINDINGS

My analysis found that emissions of NOx, PM10 and PM2.5 would violate the ambient air quality standards by a substantial margin as summarized below.

Air Pollutant	Maximum Off-Site Pollutant Concentrations Construction Phase (ug/m3)		Applicable Air Quality Standard
	Project Level	Cumulative	ug/m3
Oxides of Nitrogen (NOx) 1-hour	300	3,267	188
Respirable Particulate Matter (PM10) 24-hour	21.9	260.1	50
Fine Particulate Matter (PM2.5) 24-hour	12.3	51.1	35

The spatial distribution of pollutant concentration is shown in Figures 3 to 6. In these figures, areas in red exceed the applicable air quality standard.

Actual cumulative impacts are expected to be higher since they do not include emissions from the Oceanside Municipal Airport.

For the operational phase, the DEIR concludes that air quality impacts are less than significant and that cancer risk is 1.33 in a million[4]. However, these conclusions are misleading as future emissions from manufacturing and truck emissions are largely unknown.

[3] Final Supplemental Environmental Impact Report. July 2022.
[4] Table 4.2-13 Eddie Jones Warehouse DEIR October 2023.

CONCLUSIONS

On the basis on my review of the DEIR and on the modeling analysis presented in this Memorandum, my conclusions are as follows.

1. The emissions estimates and conclusions presented in the DEIR are questionable as they are based on an outdated emissions model.

2. Air quality impacts are significant both at a project level and cumulatively. This is based on calculated pollutant concentration in the vicinity of the project

3. The analysis of cumulative impact was incomplete. Emissions from existing and future sources and projects were completely ignored.

4. Future emissions and health risks to the public remain largely unknown and therefore difficult to reliably quantify future impacts

ATTACHMENTS

Figures

Air Quality Standards

Description of AERMOD Dispersion Model

Qualifications

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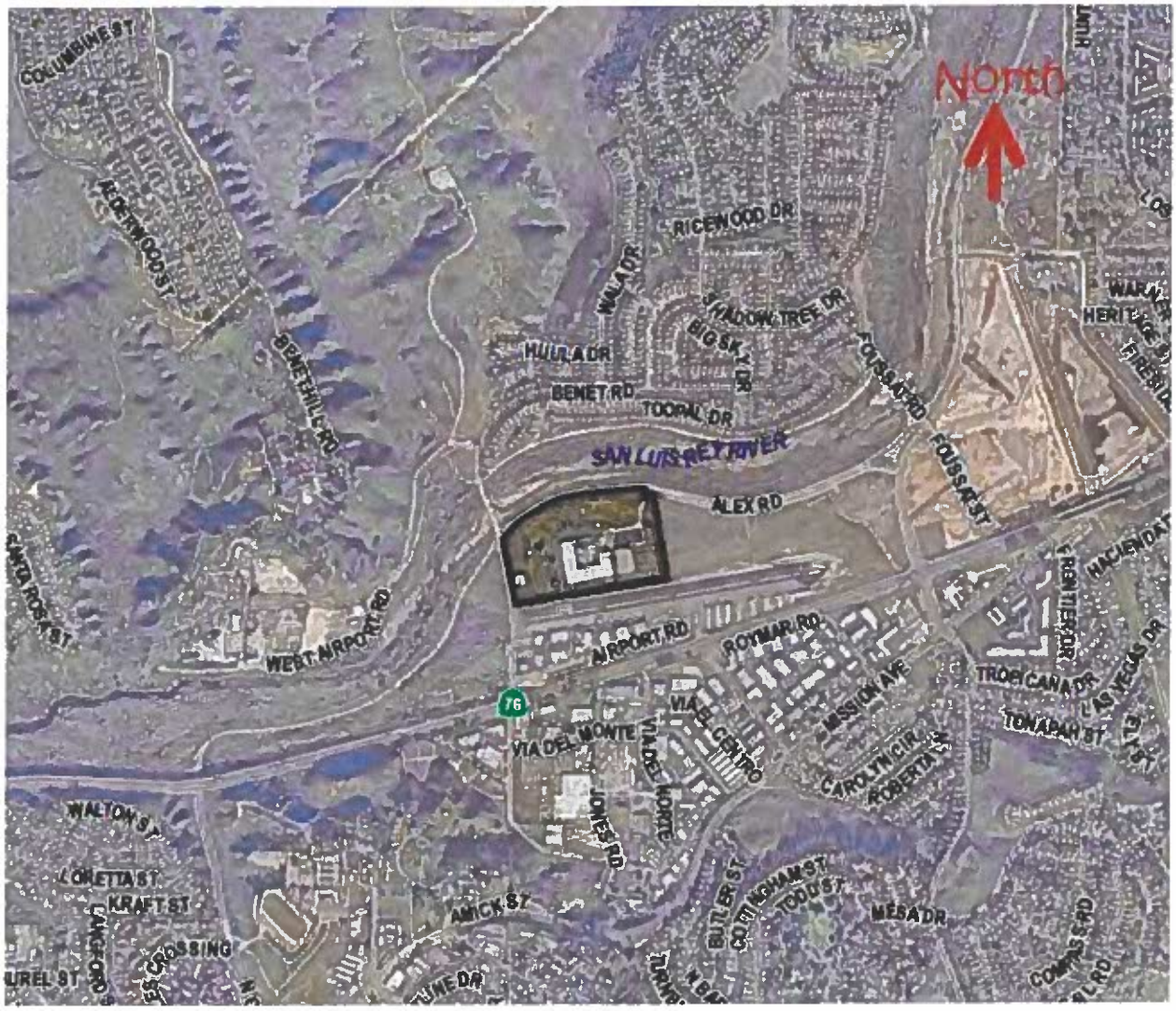
epsconsulting.org

Figures

Figure 1
Project Location



Source: Eddie Jones Warehouse Draft EIR

Figure 2

Layout of Modeling Domain

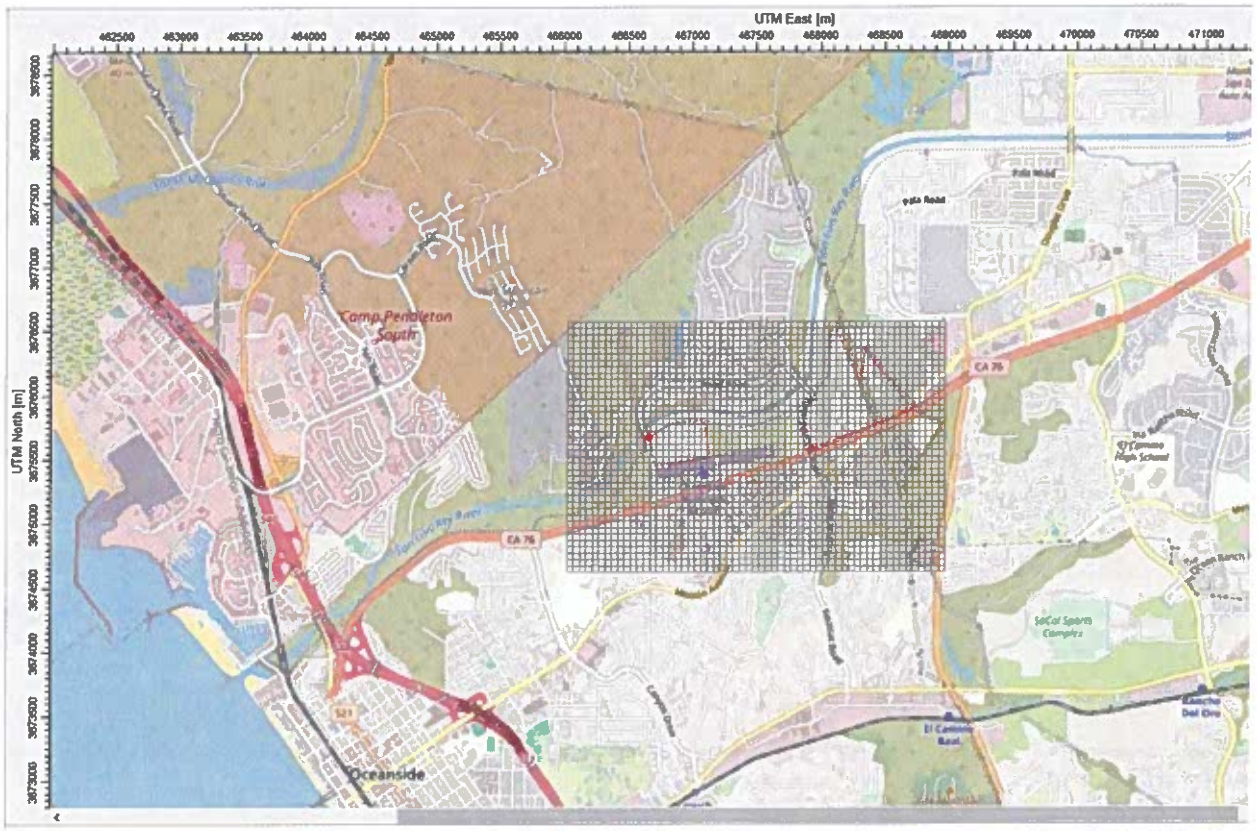


Figure 3

Spatial Distribution of Project Level 1 Hour NOx in ug/m3

Areas Inside the Contour Labelled 188 exceeds the Air Quality Standard

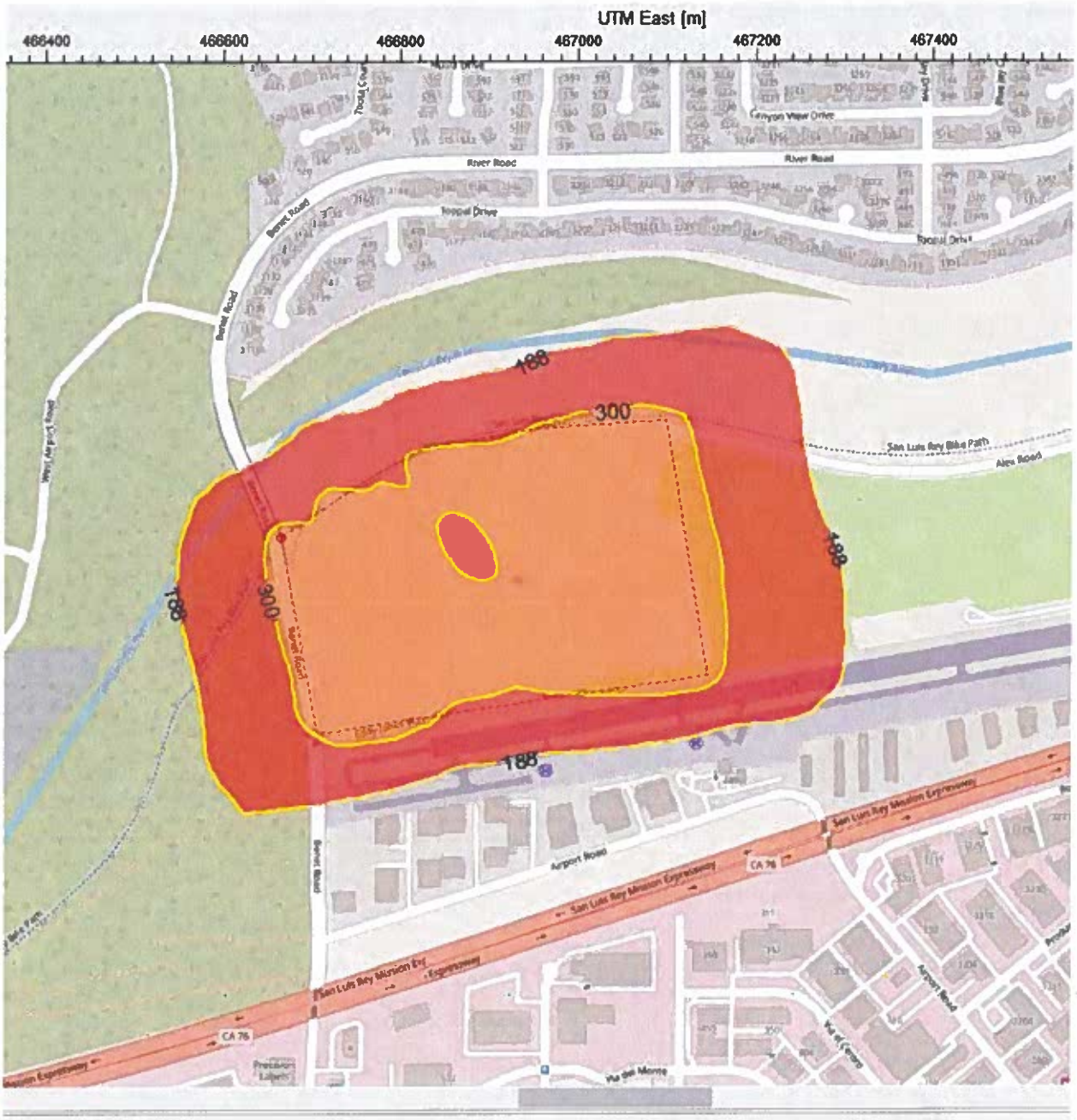


Figure 4

Spatial Distribution of Cumulative 1 Hour NOx

Areas Inside the Contour Labelled 188 exceeds the Air Quality Standard

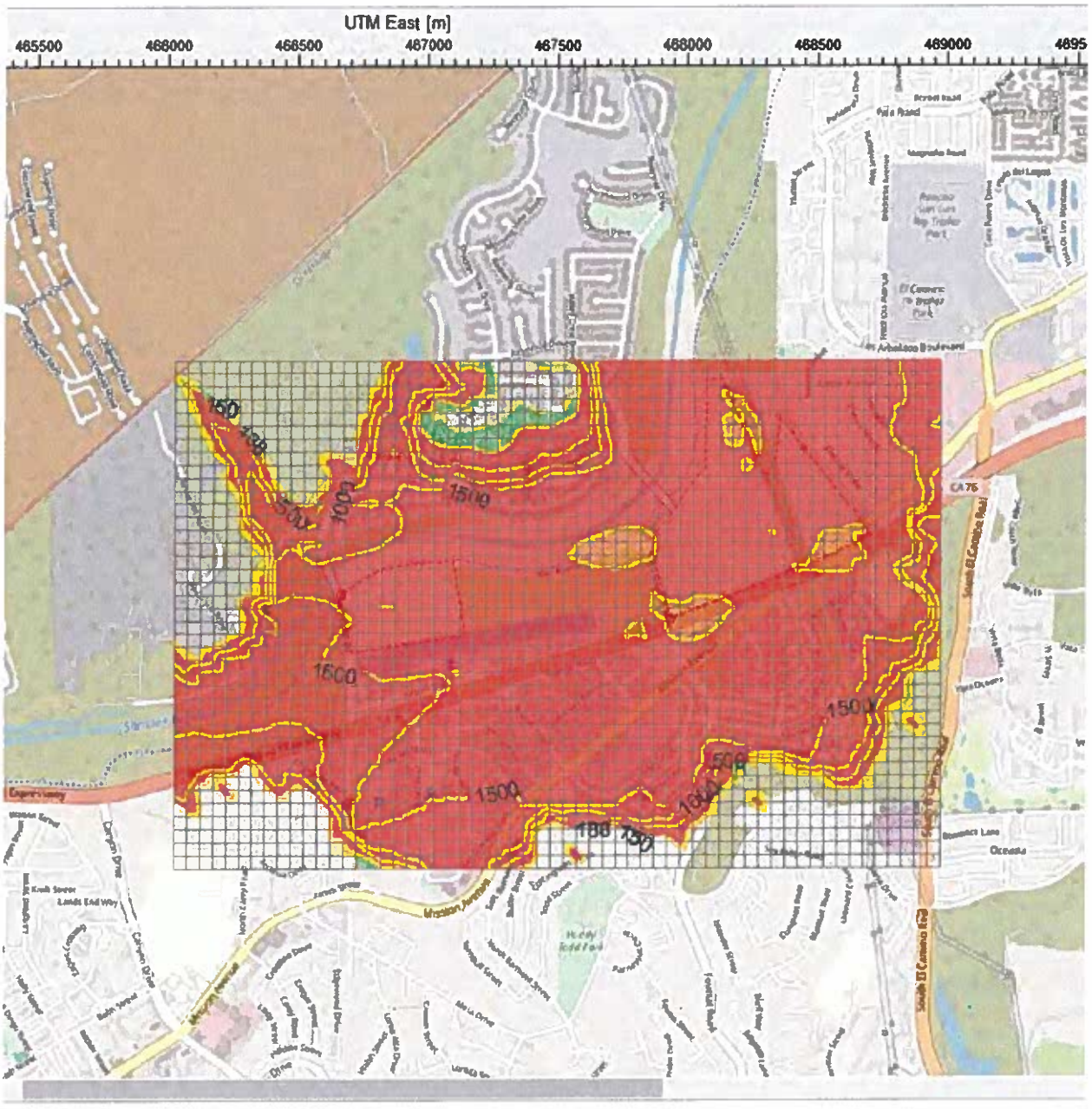


Figure 5

Spatial Distribution of Cumulative 24 Hour PM10 Concentration in ug/m3

Areas Inside the Contour Labelled 50 exceeds the Air Quality Standard

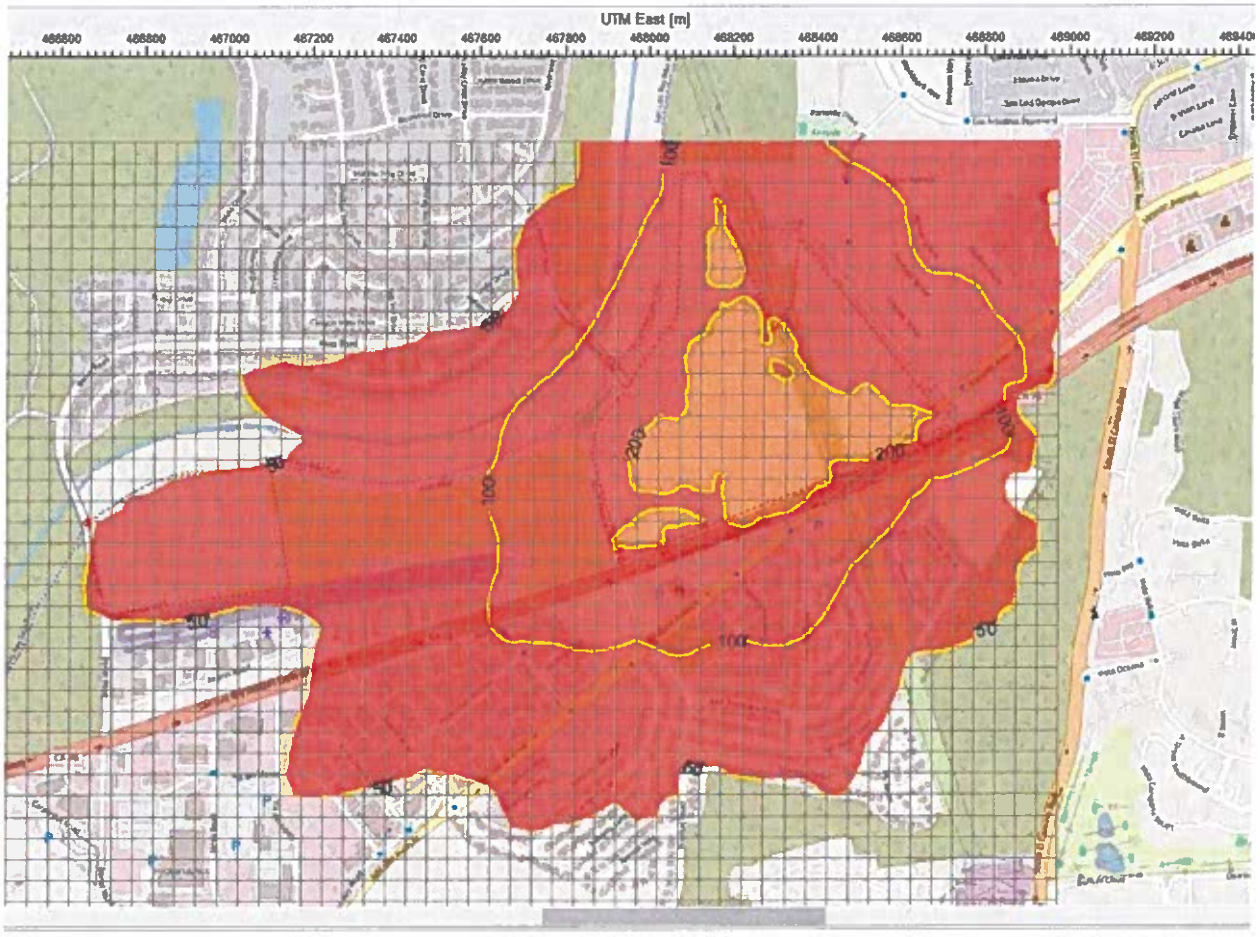
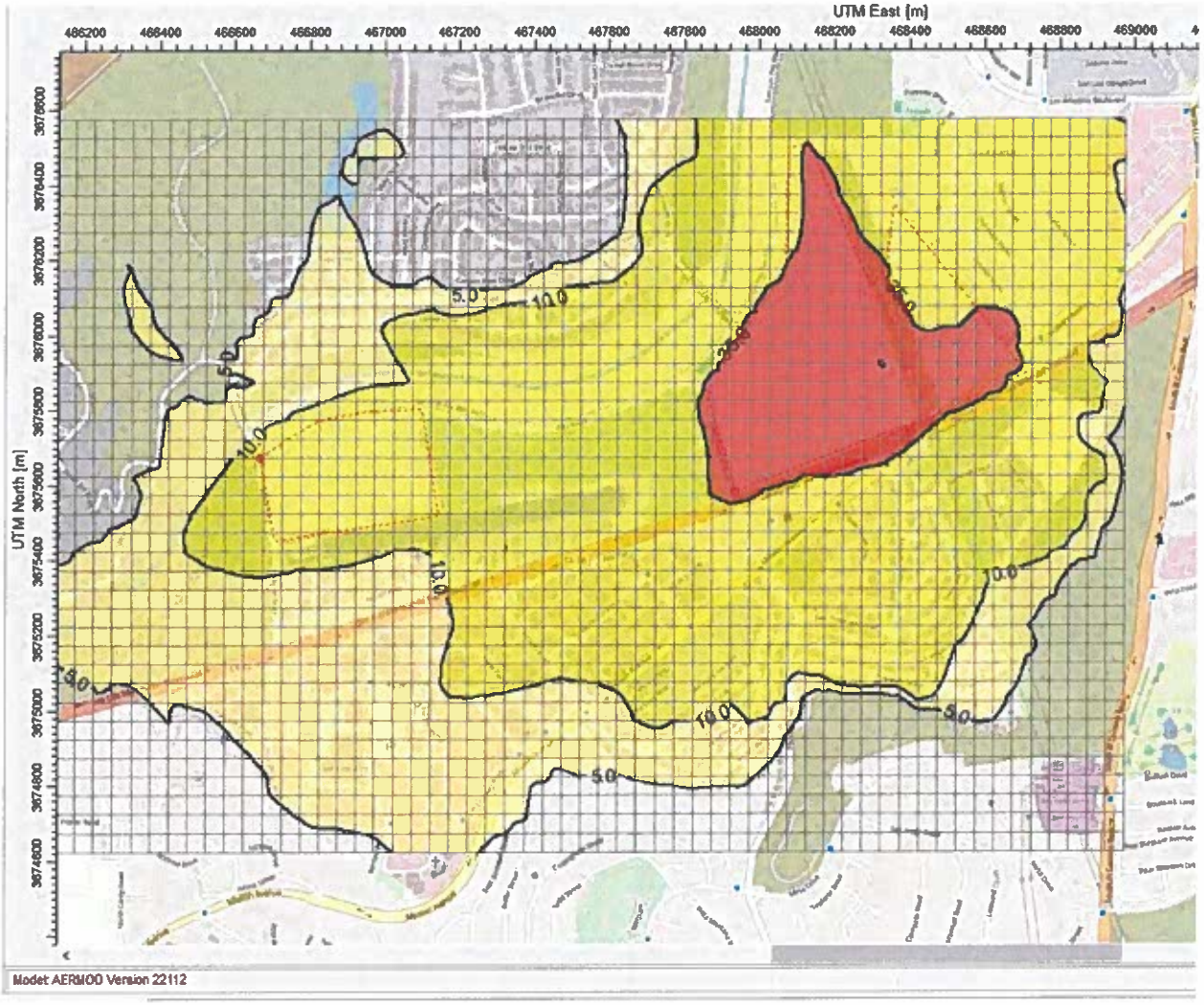


Figure 6

Spatial Distribution of Cumulative PM2.5 Concentration in ug/m3

Areas Inside the Contour Labelled 35 exceeds the Air Quality Standard



Air Quality Standards

Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards [1]		National Standards [2]		
		Concentration [3]	Method [4]	Primary [3,5]	Secondary [3,6]	Method [7]
Ozone (O_3)[8]	1 Hour	0.09 ppm (180 µg/m^3)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m^3)		0.070 ppm (137 µg/m^3)		
Respirable Particulate Matter (PM10)[9]	24 Hour	50 µg/m^3	Gravimetric or Beta Attenuation	150 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m^3		—		
Fine Particulate Matter (PM2.5)[9]	24 Hour	—	—	35 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m^3	Gravimetric or Beta Attenuation	12.0 µg/m^3	15 µg/m^3	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m^3)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m^3)	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m^3)		9 ppm (10 mg/m^3)	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m^3)		—	—	
Nitrogen Dioxide (NO_2)[10]	1 Hour	0.18 ppm (339 µg/m^3)	Gas Phase Chemiluminescence	100 ppb (188 µg/m^3)	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)		0.053 ppm (100 µg/m^3)	Same as Primary Standard	
Sulfur Dioxide (SO_2)[11]	1 Hour	0.25 ppm (655 µg/m^3)	Ultraviolet Fluorescence	75 ppb (196 µg/m^3)	—	Ultraviolet Flourescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m^3)	
	24 Hour	0.04 ppm (105 µg/m^3)		0.14 ppm (for certain areas)[11]	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas)[11]	—	
Lead[12,13]	30 Day Average	1.5 µg/m^3	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m^3 (for certain areas)[12]	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m^3		
Visibility Reducing Particles[14]	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m^3	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m^3)	Ultraviolet Fluorescence			
Vinyl Chloride[12]	24 Hour	0.01 ppm (26 µg/m^3)	Gas Chromatography			

See footnotes on next page ...

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.

5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.

8. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.

9. On December 14, 2012, the national annual PM2.5 primary standard was lowered from 15 $\mu g/m^3$ to 12.0 $\mu g/m^3$. The existing national 24-hour PM2.5 standards (primary and secondary) were retained at 35 $\mu g/m^3$, as was the annual secondary standard of 15 $\mu g/m^3$. The existing 24-hour PM10 standards (primary and secondary) of 150 $\mu g/m^3$ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.

10. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.

11. On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

    Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.

12. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

13. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 $\mu g/m^3$ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.

14. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Description of AERMOD

AERMOD VIEW
GAUSSIAN PLUME AIRE DISPENSION MODELS

Model Descriptions

AERMOD

The AMS/EPA Regulatory Model (AERMOD) is the next generation air dispersion model based on planetary boundary layer theory. AERMOD contains essentially the same options as ST3 with few exceptions.

AERMOD fully incorporates the PRIME building downwash algorithms, advanced depositional parameters, local terrain effects, and advanced meteorological turbulence calculations.

ST3

ST3 (Industrial Source Complex Model) is a steady-state Gaussian plume model used to assess pollutant concentrations from a wide variety of sources associated with an industrial complex.

The ST3 model accounts for:

- Settling and dry deposition of particles
- Building downwash
- Point, area, line, open pit, flare, and volume sources
- Flat and complex terrain

PRIME

ST3 with the Plume Rise Enhancements (PRIME) model incorporates two important features:

- Enhanced plume dispersion coefficients due to the building turbulent wake.
- Reduced plume rise caused by a combination of descending streamlines in the lee of the building and the increased entrainment in its wake.

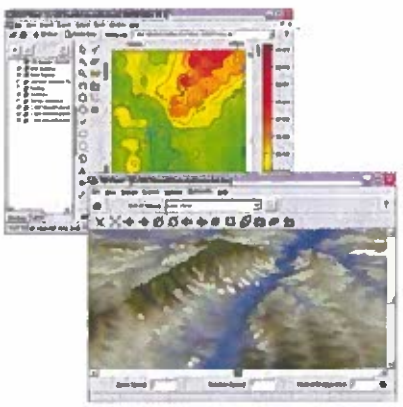
Leading Air Dispersion Models Under One Interface

AERMOD View is a complete and powerful air dispersion modeling package which seamlessly incorporates the popular U.S. EPA models into one interface: AERMOD, ST3, and PRIME. These models are used extensively to assess pollution concentration and deposition from a wide variety of sources.

AERMOD View Tools

AERMOD View provides all the tools you need to get your air quality analysis done on time, including:- Easy and intuitive graphical interface

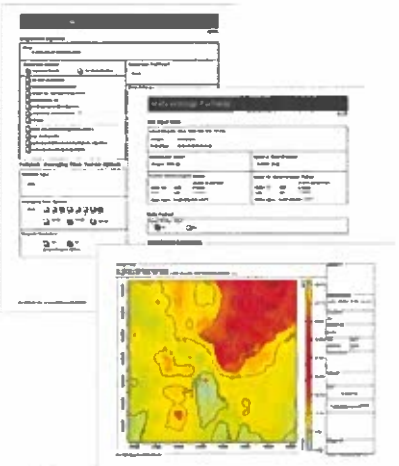
- Data entry in Metric and English units
- Imports a variety of base map formats
- Supports the major digital terrain formats
- Powerful 3D visualization
- Building downwash analysis
- Meteorological pre-processing
- Automatic contouring of results
- Rapid model comparisons
- Report-ready output



Impressive Report-Ready Output

AERMOD View lets you impress with integrated report generation.

- Summarize your modeling input in professionally designed reports
- Custom 3D views of your project site and/or modeling results can also be generated in professional report format
- Customize information to be included
- Print from AERMOD View or save your report to file



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Digital Terrain Data

AERMOD View supports a wide variety of digital elevation terrain data formats. Quick import of terrain elevations will save you time and avoid costly hand-made errors.

- USGS DEM
- GTOPO30 DEM
- U.K. DTM
- U.K. NTF
- XYZ Files
- CDED 1-degree
- AutoCAD DXF

Import multiple DEMs and AERMOD View will automatically combine each area and zone for your project.

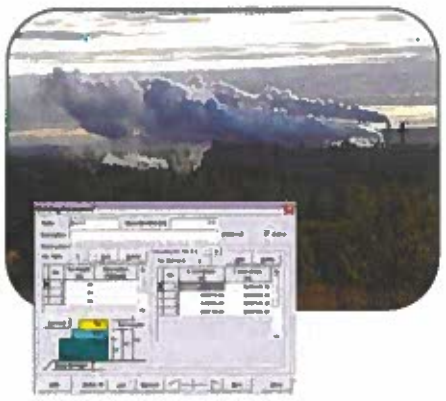
Complete support for AERMAP is also included, making terrain processing for your AERMOD project a snap!

Terrain grid files for deposition analysis can be automatically created from digital terrain files.

Building Downwash

Buildings can radically influence the dispersion of pollutants. AERMOD View provides all the necessary tools to effectively and quickly complete your building downwash analysis.

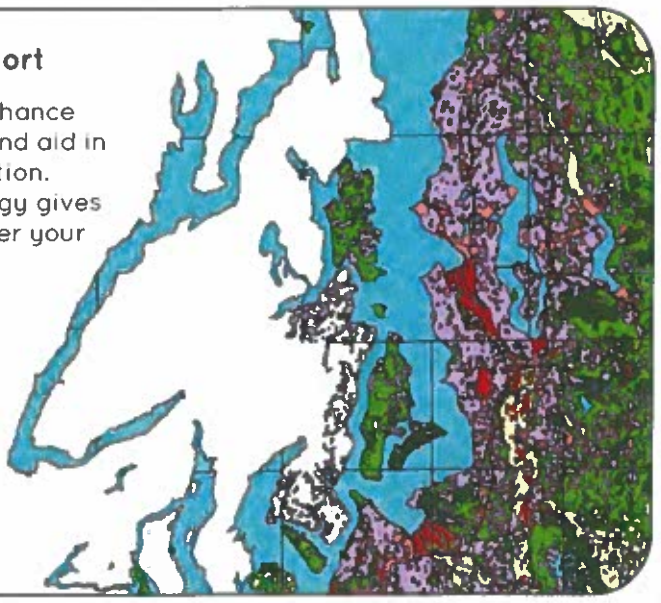
With easy import of building coordinates from AutoCAD base maps and options to digitize buildings, your downwash analysis can be performed quickly.

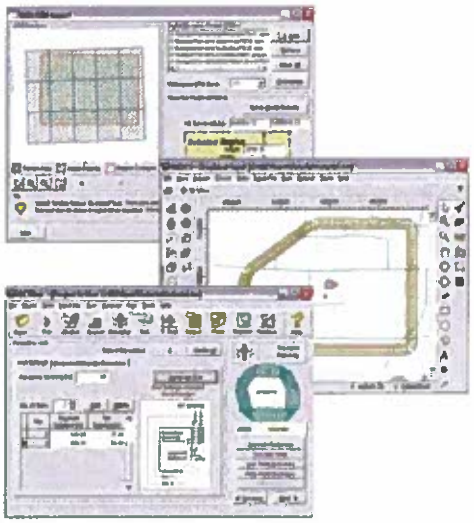


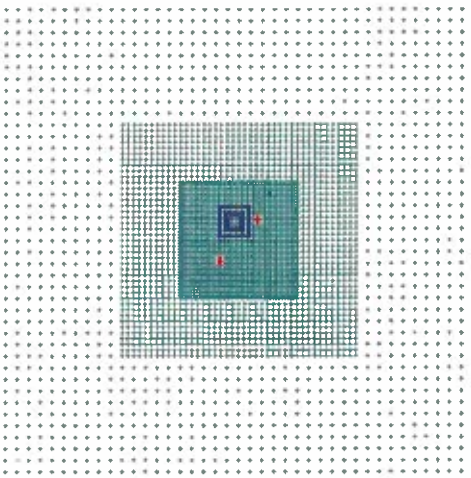
Extensive Map Support

Import base maps to enhance your modeling project and aid in model results interpretation. Integrated GIS technology gives you complete control over your modeling site.

- Bitmap
- USGS DLG
- USGS LULC
- AutoCAD DXF
- ESRI Shapefile
- JPEG
- TIFF/GeoTIFF
- MrSID







Graphical Input

Avoid the hassle and errors of entering locations by hand from paper maps. Specify sources and receptors graphically. After defining an object graphically you automatically have access to the related text mode window in which you can further modify parameters.

Automatically eliminate receptors inside the facility property line.

Receptors (unlimited)

- Cartesian Grids
- Polar Grids
- Drete Cartesian Receptors
- Drete Polar Receptors
- Cartesian Plant Boundary
- Polar Plant Boundary
- Fenceline Grid
- Multi-Tier Grid (Risk Grid)
- Flagpole Receptors

Sources (unlimited)

- Point
- Area (square, rectangular, circular, polygon)
- Volume
- Open Pit
- Flare
- Line

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AERMOD VIEW

PROFESSIONAL VISUALIZATION & ADVANCED TOOLS TO BOOST YOUR PRODUCTIVITY

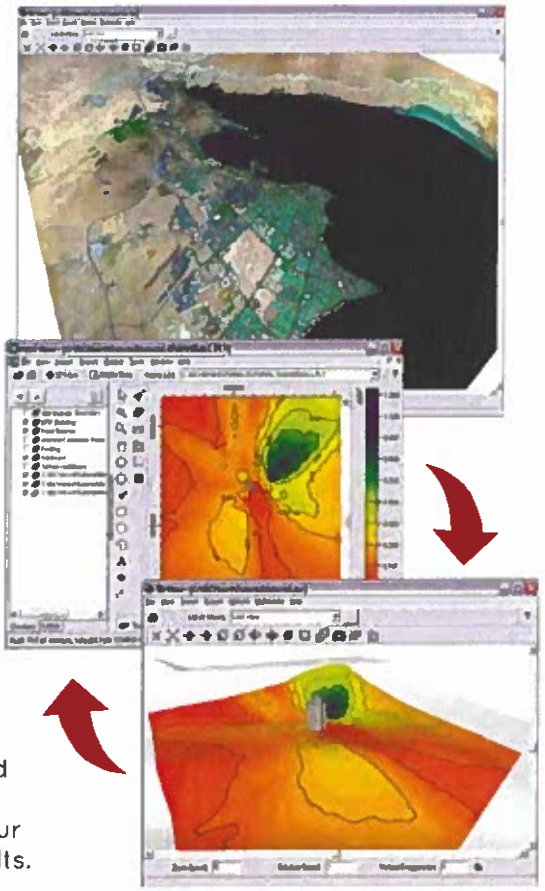
High-Impact 3D Visualization

AERMOD View features powerful 3D visualization tools unlike other software that requires you to purchase yet another software package just to view plain, static 3D plots. Nothing communicates your modeling better than images, and AERMOD View provides powerful, dynamic 3D tools built right into its interface.

Understand the effects of topography by displaying your model results with 3D terrain. Make your final report clear and concise by visualizing all your data.

Complete visualization of your imported terrain is just a click away! Click the 3D Terrain icon and your project is transformed into a fully customizable 3D view using your terrain elevation data. Zoom, rotate, and save views in true 3D.

Apply terrain contours to your 2D site view for professional maps, or change to 3D views with a single click. View your site and surrounding terrain in true 3D. Sources and buildings appear in context with your site terrain.

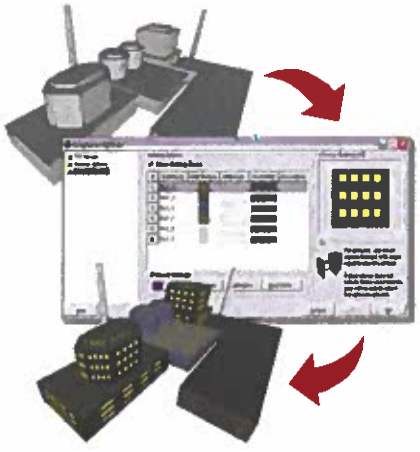


Custom Textures

Apply custom textures to buildings to further increase building realism - say goodbye to bland polygons!

Clear and realistic communication is essential and your model should make an impression.

Real-time lighting effects, true-color shading and textures bring your site to life like no other package can!



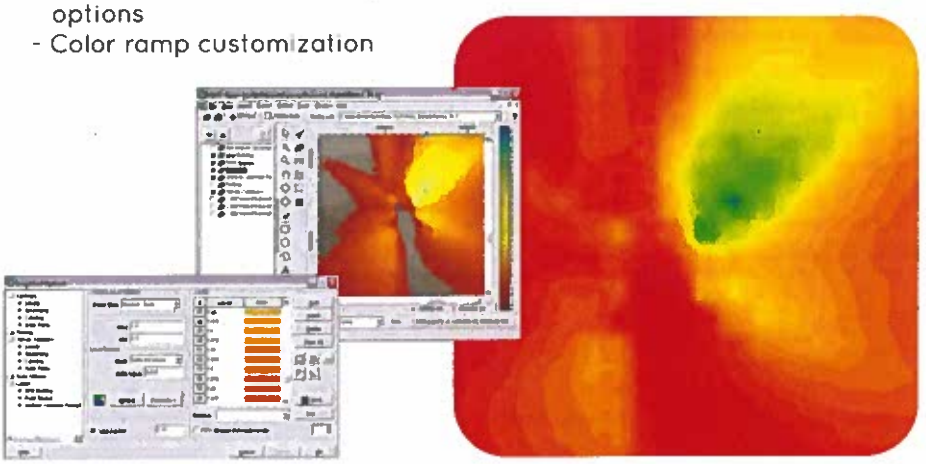
Integrated Contouring

AERMOD View features integrated post-processing with automatic gridding, blanking, shaded contour plotting, and posting of your results.

- Customize contour levels, color shading, transparency, contour labels, fonts, and more.
- Multiple levels of transparency
- True color palette
- Save and edit any palette
- Extensive terrain contouring options
- Color ramp customization

Export Options

- ESRI Shapefiles
- Bitmaps
- Enhanced Metafiles



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Multiple Chemicals

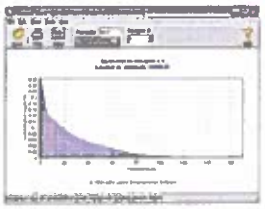
The Multi-Chemical Run utility will boost your productivity drastically when analyzing the contributions of each pollutant from sources emitting multiple chemicals.

Simply specify the pollutants emitted by each source, define emission rates, and click Run. The Multi-Chemical Run utility takes care of the rest, reducing your model run time to a fraction of the time it would take traditionally.

- Unlimited sources
- Unlimited receptors
- Unlimited pollutants (>1000)
- Block averages
- Rolling averages
- Chemical-specific plotfiles

Percent View

Percent View takes the hassle out of performing modeling runs that require percentiles or rolling averages. Run the model and have these calculations automatically computed.



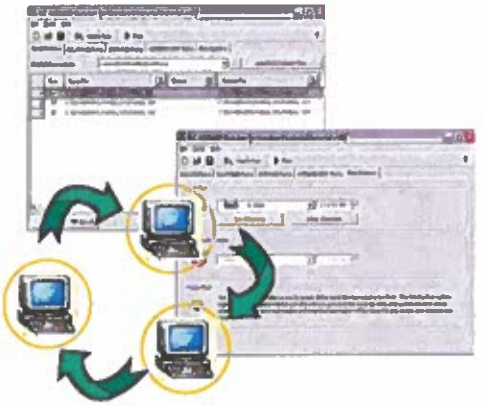
Risk Assessment Projects

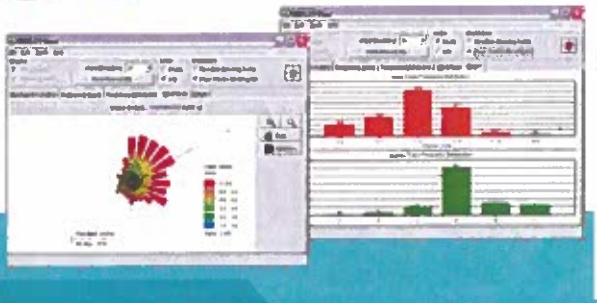
Customized air modeling support for leading risk assessment protocols, the U.S. EPA - OSW Human Health Risk Assessment Protocol, and the U.S. EPA - OSW Screening Level Ecological Risk Assessment Protocol. Simply select "Risk Mode" to model in accordance with these guidelines.

Quickly generate the files required for ACE2588 risk assessment model.

AERMOD Batcher T

he AERMOD Batcher is designed to let you easily perform multiple modeling runs. Simply specify the input files for the projects you wish to run, click Run and AERMOD Batcher will run all your projects. This is ideal for large modeling runs, which is often required for risk assessment projects.

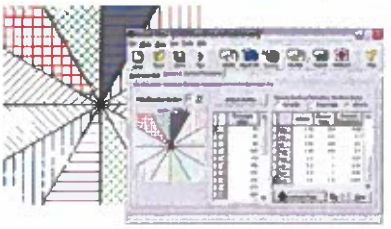




Meteorological Tools

Aermet View

Aermet View is the meteorological preprocessor that guides you through easy steps to prepare your on-site and off-site meteorological data for use with AERMOD.



Rammet View

Rammet View is the meteorological preprocessor that prepares data for use with the ST3 and PRIME models. Rammet View includes a set of tools which allow conversion of your own met data into the required format.

WRPLOT View

Wind rose plots, frequency tables, and graphs can be generated automatically from surface data files in SCRAM, CD144, HUSWO, TD-3505, CARB, and SAMSON formats or from and AERMET preprocessed met data files. Import from Excel is also supported

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Lakes™ Environmental

Qualifications

EPS
ENVIRONMENTAL PERMITTING SPECIALISTS
Air Quality • Permitting • OHSA • RMP/PSM

Statement of Qualifications
Environmental Permitting Specialists (EPS)

EPS is a specialized consulting firm focusing on air quality impact analysis, permitting, health risk assessments and odor control and analysis. The firm is headquartered in Sacramento, California and has been providing these services since 1995. Firms such as Sunsweet Growers, Amazon, El Dorado County Cannabis Growers Alliance, Teichert Construction, Sacramento City Unified School District, Blue Diamond Growers and many others have used our services. These firms they recognize the complexity related to controlling odors and of everchanging environmental regulations and prefer to have a specialized firm handle these issues on their behalf.

Practice Areas

- Construction Industries
- Solid Waste
- Cannabis Cultivation
- Energy Production
- Food Industries

In addition to providing services to private sector, EPS routinely provides technical support services to various County Planning Departments and air pollution control districts. These include:

- Amador Air District and Planning Department
- Calaveras Air Pollution Control District and Planning Department
- Mariposa County Departments of Planning and Environmental Health
- Placer County Air Pollution Control District
- Great Basic Air Quality Management District

Contact:

Ray Kapahi
E-Mail: ray.kapahi@gmail.com
Phone: 916-806-8333
Web-Site: https://www.epsconsulting.org/

Ray Kapahi

Senior Air Quality
Consulting Engineer

Ray.Kapahi@gmail.com

Office: 916.687.8352
Mobile: 916.806.8333

Practice Areas

- Air Quality Permitting
- Odor Modeling and Control
- Health Risk Assessment
- Computational Fluid Dynamics
- Greenhouse Gas Analysis
- Atmospheric Dispersion Modeling

Industries

- Solid Waste
- Energy Production
- Construction and Mining
- Cannabis Cultivation
- Oil and Gas Production
- Food Industries

Education and Training

- BSc. Physics (1972)
- MEng. Chemical Engineering (1975)
- CARB Accredited Green House Gas (GHG) Lead Verifier with Specialization in Process Emissions and Electricity Transactions (2009)

News

- Presentation "Numerical Modeling of Landfill Gas and Odors" 33rd International Conference on Solid Waste Technology and Management. March 11 to 14, 2018, Annapolis, MD.

- Presentation "Integrated Approach to Effective Odor Control at Landfills and Composting Facilities" Wastecon 2016, Indianapolis, IN.

EXPERIENCE

Over 30 years of experience in analyzing air quality and odor impacts, permitting of stationary sources, and preparation of environmental impact documents. Mr. Kapahi assists a broad range of clients and assists them to identify and meet their regulatory obligations.

The scope of his experience includes siting of new landfills, waste to energy plants, obtaining conditional use permits from City and County Governments for new projects or expansion of existing projects. Specific experience and skills include preparation of emission inventories, analysis and measurements of odors, dispersion modeling, oversight of air quality monitoring, analysis of impacts to public health, responding to public comments, and appearing before City and County Planning Boards and Commissions as an expert witness on behalf of clients.

Following approvals for new facilities or expansion of existing facilities, Mr. Kapahi continues to work with clients to ensure on-going compliance.

REPRESENTATIVE PROJECTS

Air Quality Modeling and Permitting

- **Permitting of a Powdered Milk Plant (Turlock, CA)**

Evaluate emissions of various air pollutants from the proposed 30 million gallons per year mild processing/drying facility. Demonstrate compliance with local and state air quality regulations, including regulation of toxic air pollutants.

- **Permit Revisions for an Existing Fruit Dehydration Facility (Yuba City, CA)**

Assisted a major food processor in revising their operating permits to allow for additional steam production. Worked cooperatively with the local air district to ensure timely issuance of the revised permits.

- **Permitting of a Waste to Energy Plant (Fort Irwin, CA)**

Quantify emissions from a proposed 34 tons per day solid waste to energy project. Analyze emissions associated with pyrolysis and subsequent utilization of synthetic gas to generate 1.5 MW of electric power. Prepare the necessary permit applications and supporting documentation.

- **Permitting of a CBD Oil Extraction Facility (Mendota, CA)**

Quantify emissions from a proposed solvent extraction process. Assist in design of an RTO VOC control system. The facility was permitting in 2019 and is currently operating.

Publications and Presentations

Presentation "Use of Advanced Models to Control Fugitive Odors from Composting Sites". US Compost Council Annual Meeting, January 2015, Austin, TX.

"Air Emissions from Landfills and Transfer Stations – Do they Increase Public Health Risks?" Presented at Quad State Environmental Conference, Pigeon Forge TN, Sept 2015.

"Risks of Carbon Credit Invalidation Under California's Cap-and-Trade Program", Presented at the 2014 Air and Waste Management Association Annual Conference. June 24-27, 2014. Long Beach, CA

"Estimate of VOC Emissions from Sludge Drying", Presented at the 1995 SWANA Conference. November 1995, Baltimore, MD.

"Use of Biofilters to Control VOCs", Biocycle, February 1995.

"Impacts of the 1990 Clean Air Act Amendments", San Jose Business Journal, March 24, 1994.

"Modeling Fine Particulates" in Municipal Waste Incineration Risk Assessment, Edited by Curtis Travis, Plenum Press, 1990.

Specialized Training

Calculating Tank Emissions. Trinity Consultants. Los Angeles, CA February 1-2, 2020.

Accidental Release Modeling Workshop. Trinity Consultants. Dallas, TX November 1-2, 2018.

HARP2 (Risk Assessment Model) Training at California Air Resources Board. Redding, CA

Hearing Board Variance Training – California Air Resources Board (1995)

Air Emissions and Odors from Wastewater – University of Texas, Austin (1994)

Professional Affiliations

Air and Waste Management Association (Board Member)

American Institute of Chemical Engineers (Member)

Member Technical Advisory Committee (TAC) for the California Energy Commission

Odor Analysis and Mitigation

- **Ventilation System for Odor Control (Anaheim, CA)**

Advanced computational fluid mechanics (CFD) models were used to predict the air flow and building pressure to identify the location, size and number of exhaust fans required to remove odors from the transfer station building.

- **Analysis of Potential Odors from Outdoor and Indoor Cannabis Cultivation (Georgetown and Somerset, Eldorado County, CA)**

EPS is working cooperatively with growers and El Dorado County Planning Department to evaluate odors associated with indoor and outdoor cannabis cultivation. Through use of on-site odor measurements and dispersion models, EPS has been able to project intensity of future odors from new cannabis operations and demonstrate compliance with the County's Ordinance limiting odors at the property lines and at nearby homes.

- **Analysis and Control of Fugitive Dust and Odors from a Soil Blending Facility (Stockton, CA)**

Advanced computational fluid mechanics (CFD) models were used to predict the air flow and movement of fugitive dust at a soil blending facility. With this information, the client was able to install appropriate mitigation services to mitigate off-site migration of fugitive dust.

- **Review of Odor Control Systems for Cannabis Cultivation and Distribution Facilities (Palm Springs, CA)**

EPS evaluated the *odor* control system for over 15 different odor cultivation and distribution facilities in Palm Springs. The effectiveness of the proposed system was evaluated and recommendations were made to the City to Palm Springs.

Analysis of Public Health Risks

- **Analysis of Public Health Risks Associated with Composting Operations (Napa County, CA)**

Estimate the types and amounts of toxic air contaminants (TAC) released from green waste and food waste composting. An air dispersion model was used with local wind data to determine the concentration of each TAC. The concentration estimates were supplemented with toxicity data to quantify public health risks from exposure to the various toxic pollutants.

- **Analysis of Public Health Risks from Proposed Asphalt Plant (Kern County, California)**

Analyze emissions of any toxic air pollutants from a proposed 250 tons per day asphalt plant. Emissions from aggregate drying, propane combustion and asphalt oil were quantified. Acute and chronic public health risks from exposure to various toxic pollutants were calculated.

Ray Kapahi, DBA Environmental Permitting Specialists
Current and Recent Projects

Project	Location	Description	Client
Preparation of Initial Sturt and mitigated negative declaration (ISMND) for Proposed Exploratory Oil and Gas Well	Kern County, CA	• Quantify air and greenhouse gas emissions from proposed exploratory oil and gas well • Assess the significance of air and GHG impacts • Recommend mitigation • Analyze public health risks	RAB Consulting, Fairfield, CA
Analysis of Public Health Risks from Proposed Warehouse Buildings	Stockton, CA	• Evaluate public health risks associated with proposed 2.8 million square feet warehouse development on a 20 acre lot • Evaluate health impacts associated with construction and operational (occupancy) phases	First Industrial Realty Trust, Chicago, IL
Review of Permit Application for a Biomass to Energy Plant	Mariposa County, CA	• Review permit application and associated support documents • Confirm emissions and use of best available control technology (BACT) • Recommend issuance or denial of air permits	Amador Air District, Jackson, CS
Analysis of Air Quality and Public Health Risks from Proposed Mining, Aggregate, Concrete and Asphalt plant Complex	Newman (Stanislaus County), California	• Estimate emissions from various phases of mining, aggregate production, asphalt and concrete production and recycling plant • Determine significant of air quality and public health impacts	Calaveras Building Materials, Fresno, CA
Preparation of CEQA Documents for Proposed Asphalt Plant	Delano (Kern County), CA	• Quantify air and greenhouse gas emissions from a proposed hot-mix drum type asphalt plant • Determine emission rates of toxic air pollutants • Prepare health risk assessment to quantify cancer risk to workers and the public from exposure to future toxic air emissions	Jaxon Enterprises, Redding, CA

Project	Location	Description	Client
Air monitoring of Carbon Monoxide at a School Transportation Center	Sacramento, CA	• Monitor ambient concentrations of carbon monoxide (CO) at the school bus yard • Determine if CO concentration exceed the state 1-hour standard	Law Firm Spinelli, Donald & Nott, Sacramento, CA
Impacts to Future Residents from Emissions from Vehicles and Trail Locomotives	Sacramento, CA	• Evaluate existing concentrations of toxic air contaminants at the proposed 150 unit housing development • Evaluate impacts from emissions from trucks and cars travelling along US Hwy 50 • Evaluate emissions from diesel train locomotives travelling along adjacent tracks	EAH Housing, San Rafael, CA
Evaluation of Odors from Proposed Outdoor Cannabis Cultivation	Somerset and Georgetown (El Dorado County)	• Review plans for outdoor cannabis cultivation • Model future odor emissions to determine compliance with El Dorado County odor ordinance • Recommend odor mitigation (if required)	Multiple Confidential Clients
Dispersion Modeling of Emissions from Proposed Lithium Extraction Plant	Salton Sea (Imperial County, CA)	• Calculate emissions from proposed emergency electric generator • Set-up modeling domain, source height and location and modeling grid • Calculate impacts from various criteria air pollutants	RCH Group, Sacramento, CA
Analysis of Public Health Risks from Proposed Warehouse Land Use Development	Richmond, CA	• Evaluate public health risks associated with proposed 324,000 square feet warehouse development on a 30 acre lot • Evaluate health impacts associated with construction and operational (occupancy) phases	Scannell Properties, Lafayette, CA

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Current Billing Rates – January 2023

Permitting of Stationary Sources ----------$175/hr
Air Quality Impact Analysis, CEQA Review ---------- ----------$175/hr
Expert Witness, Legal Testimony, Attend Hearings and
Legal Depositions ---------- $350/hr
All other work ----------as negotiated

Expenses:
Expenses are billed at actual costs plus 10%. Personal Mileage charged at $.55/mile.

Billing:
Billing is provided at the close of each month. Clients are invoiced within the first five business days following the end of the month.

Payment:
Payment terms are 30 days from receipt of invoice subject to prior arrangements. Late charges are assessed at 1.5% of past due balance monthly from payment due date.

EXHIBIT B

EXHIBIT B

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE

Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

Table of Contents

In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)[1] regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies regarding warehouse projects, and in rare cases the Bureau has filed litigation to enforce CEQA.[2] This document builds upon the Bureau's work on warehouse projects, collecting information gained from the Bureau's review of hundreds of warehouse projects across the state.[3] It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.[4] While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, nearly all of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.[5] California, with its ports, population centers, and transportation network, has found itself at the center of this trend. In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade.[6] The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day.[7] Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years.[8] This trend has only accelerated, with e-commerce growing to

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[1] https://oag.ca.gov/environment/justice.

[2] https://oag.ca.gov/environment/ceqa; *People of the State of California v. City of Fontana* (Super. Ct. San Bernardino County, No. CIVSB2121829); *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

[3] This September 2022 version revises and replaces the prior March 2021 version of this document.

[4] Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

[5] As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers.

[6] Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent Units) (2020), https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/ (Ports of Los Angeles, Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide) (last accessed September 18, 2022).

[7] U.S. Dept. of Transportation, Federal Highway Administration, *FHWA Operations Support – Port Peak Pricing Program Evaluation* (2020), available at https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm (last accessed September 18, 2022).

[8] South Coast Air Qual. Mgmt. Dist., *Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305*, at 7-8, 41 (May 2021).

13% of all retail sales and 2021 being a second consecutive record year for new warehouse space leased.[9] The latest data and forecasts predict that the next wave of warehouse development will be in the Central Valley.[10]

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.[11] Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.[12] The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents.

These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts and systemic vulnerability. For example, a comprehensive study by the South Coast Air Quality Management District found that communities located near large warehouses scored far higher on California's environmental justice screening tool, which measures overall pollution and demographic vulnerability.[13] That

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[9] U.S. Census Bureau News, Quarterly Retail E-Commerce Sales 4th Quarter 2021 (February 22, 2022), https://www.census.gov/retail/mrts/www/data/pdf/ec_current.pdf (last accessed September 18, 2022); CBRE Research, *2022 North America Industrial Big Box Report: Review and Outlook*, at 2-3 (March 2022), *available at* https://www.cbre.com/insights/reports/2022-north-america-industrial-big-box#download-report (last accessed September 18, 2022).

[10] CBRE Research, *supra note* 9, at 4, 36; New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), *available* at https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html.

[11] California Air Resources Board, Nitrogen Dioxide & Health, https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health (last accessed September 18, 2022) (NOx); California Air Resources Board, Summary: Diesel Particular Matter Health Impacts, https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts (last accessed September 18, 2022); Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf (last accessed September 18, 2022) (DPM).

[12] Noise Sources and Their Effects, https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm (last accessed September 18, 2022) (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

[13] South Coast Air Quality Management District, "Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305" (May 2021), at 4-5.

study concluded that, compared to the South Coast Air Basin averages, communities in the South Coast Air Basin near large warehouses had a substantially higher proportion of people of color; were exposed to more diesel particulate matter; had higher rates of asthma, cardiovascular disease, and low birth weights; and had higher poverty and unemployment rates.[14] Each area has its own unique history, but many of these impacts and vulnerabilities reflect historic redlining practices in these communities, which devalued land and concentrated poverty, racial outgroups, and pollution into designated areas.[15]

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically guide warehouse development, we encourage local governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and direct sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take many forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors[16] can help attract investment while avoiding conflicts between warehouse facilities and residential communities. Transition zones with lighter industrial and commercial land uses may also help minimize conflicts between residential and industrial uses.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related general plan elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help

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[14] *Id.* at 5-7.

[15] Beginning in the 1930s, federal housing policy directed investment away from Black, immigrant, and working-class communities by color-coding neighborhoods according to the purported "riskiness" of loaning to their residents. In California cities where such "redlining" maps were drawn, nearly all of the communities where warehouses are now concentrated were formerly coded "red," signifying the least desirable areas where investment was to be avoided. *See* University of Richmond Digital Scholarship Lab, Mapping Inequality, https://dsl.richmond.edu/panorama/redlining/#loc=12/33.748/-118.272&city=los-angeles-ca (Los Angeles), https://dsl.richmond.edu/panorama/redlining/#loc=13/32.685/-117.132&city=san-diego-ca (San Diego), https://dsl.richmond.edu/panorama/redlining/#loc=11/37.81/-122.38&city=oakland-ca (Oakland), https://dsl.richmond.edu/panorama/redlining/#loc=13/37.956/-121.326&city=stockton-ca (Stockton), https://dsl.richmond.edu/panorama/redlining/#loc=12/36.751/-119.86&city=fresno-ca (Fresno) (all last accessed September 18, 2022).

[16] In this document, "sensitive receptors" refers to residences, schools, public recreation facilities, health care facilities, places of worship, daycare facilities, community centers, or incarceration facilities.

jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.[17]

Local ordinances and good neighbor policies that set development standards for all warehouses in the jurisdiction are a critical and increasingly common tool that serve several goals. When well-designed, these ordinances direct investment to local improvements, provide predictability for developers, conserve government resources by streamlining project review processes, and reduce the environmental impacts of industrial development. While many jurisdictions have adopted warehouse-specific development standards, an ordinance in the City of Fontana provides an example to review and build upon.[18] Good neighbor policies in Riverside County and by the Western Riverside Council of Government include additional measures worth consideration.[19]

The Bureau encourages jurisdictions to adopt their own local ordinances that combine the strongest policies from those models with measures discussed in the remainder of this document.

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The

[17] For more information about SB 1000, *see* https://oag.ca.gov/environment/sb1000.
[18] https://oag.ca.gov/system/files/attachments/press-docs/Final%20Signed%20Fontana%20Ordinance.pdf (last accessed September 18, 2022).
[19] For example, the Riverside County policy requires community benefits agreements and supplemental funding contributions toward additional pollution offsets, and the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors. https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf (last accessed September 18, 2022) (Riverside County); http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId= (last accessed September 18, 2022) (Western Riverside Council of Governments).

information should be in a format that is easy to navigate and understand for members of the affected community.

- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the affected community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community liaison to the surrounding community.
- Requiring signage in public view at warehouse facilities with contact information for a local designated representative for the facility operator who can receive community complaints, and requiring any complaints to be answered by the facility operator within 48 hours of receipt.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per California Air Resources Board (CARB) guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.[20]
- Providing adequate amounts of on-site parking to prevent trucks and other vehicles from parking or idling on public streets and to reduce demand for off-site truck yards.
- Establishing setbacks from the property line of the nearest sensitive receptor to warehouse dock doors, loading areas, and truck drive aisles, and locating warehouse dock doors, loading areas, and truck drive aisles on the opposite side of the building from the nearest sensitive receptors—e.g., placing dock doors on the north side of the facility if sensitive receptors are near the south side of the facility.
- Placing facility entry and exit points from the public street away from sensitive receptors—e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Ensuring heavy duty trucks abide by the on-site circulation plans by constructing physical barriers to block those trucks from using areas of the project site restricted to light duty vehicles or emergency vehicles only.
- Preventing truck queuing spillover onto surrounding streets by positioning entry gates after a minimum of 140 feet of space for queuing, and increasing the distance by 70 feet for every 20 loading docks beyond 50 docks.
- Locating facility entry and exit points on streets of higher commercial classification that are designed to accommodate heavy duty truck usage.
- Screening the warehouse site perimeter and onsite areas with significant truck traffic (e.g., dock doors and drive aisles) by creating physical, structural, and/or vegetative buffers that prevent or substantially reduce pollutant and noise dispersion from the facility to sensitive receptors.
- Planting exclusively 36-inch box evergreen trees to ensure faster maturity and four-season foliage.
- Requiring all property owners and successors in interest to maintain onsite trees and vegetation for the duration of ownership, including replacing any dead or unhealthy trees and vegetation.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Including signs and drive aisle pavement markings that clearly identify onsite circulation patterns to minimize unnecessary onsite vehicle travel.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

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[20] CARB, Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted in some scenarios. CARB, Concept Paper for the Freight Handbook (December 2019), *available at* https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf (last accessed September 18, 2022).

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation.[21]
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.
- Disclosing air pollution from the entire expected length of truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.

[21] CEQA Guidelines § 15369.

- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California's Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be hybrid electric-diesel or zero-emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring all heavy-duty vehicles engaged in drayage[22] to or from the project site to be zero-emission beginning in 2030.

[22] "Drayage" refers generally to transport of cargo to or from a seaport or intermodal railyard.

- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of

trucks.

- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Designing to LEED green building certification standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound

pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

- Disclosing and considering the significance of short-term noise levels associated with all aspects of project operation (i.e. both on-site noise generation and off-site truck noise). Considering only average noise levels may mask noise impacts sensitive receptors would consider significant—for example, the repeated but short-lived passing of individual trucks or loading activities at night.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Planning and enforcing truck routes that avoid passing sensitive receptors.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Requiring preparation and approval of a truck routing plan describing the facility's hours of operation, types of items to be stored, and truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors. The plan should include measures for preventing truck queuing, circling, stopping, and parking on public streets, such as signage, pavement markings, and queuing analysis and enforcement. The plan should hold facility operators responsible for violations of the truck routing plan, and a revised plan should be required from any new tenant that occupies the property before a business license

is issued. The approving agency should retain discretion to determine if changes to the plan are necessary, including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.

- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.
- Using full cut-off light shields and/or anti-glare lighting.
- Requiring submission of a property maintenance program for agency review and approval providing for the regular maintenance of all building structures, landscaping, and paved surfaces.
- Using cool pavement to reduce heat island effects.

- Planting trees in parking areas to provide at least 35% shade cover of parking areas within fifteen years to reduce heat island impacts.
- Using light colored roofing materials with a solar reflective index of 78 or greater.
- Including on-site amenities, such as a truck operator lounge with restrooms, vending machines, and air conditioning, to reduce the need for truck operators to idle or travel offsite.
- Designing skylights to provide natural light to interior worker areas.
- Installing climate control and air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

EXHIBIT C

EXHIBIT C

Eddie Jones Industrial Redevelopment

Local Transportation Study and Vehicle Miles Traveled

Peer Review Report

Prepared for

Mr. Justin Floyd
Wanis View Estates/Eddie Jones GoFundMe
c/o Avalon Management
3618 Ocean Ranch Blvd
Oceanside, CA 92056

Prepared by

Greenlight
Traffic Engineering

December 26, 2023

REGISTERED PROFESSIONAL ENGINEER
SCOTT M. KELLEY
No 73357
Exp. 12/31/24
CIVIL
STATE OF CALIFORNIA

14050 N 83rd Ave, Suite 290, Peoria, AZ 85381
Contact: Scott Kelley, PE, PTOE | 602-499-1339 | scottk@greenlightte.com

1 ABBREVIATIONS

Abbreviation	Meaning
ADT	Average Daily Traffic
CEQA	California Environmental Quality Act
COO	City of Oceanside
DEIR	Draft Environmental Impact Report
HCM	Highway Capacity Manual
ITE	Institute of Transportation Engineers
LOS	Level of Service
LTS	Local Transportation Study
NHTSA	National Highway Traffic Safety Administration
PCE	Passenger Car Equivalent
PE	Professional Engineer
PTOE	Professional Traffic Operations Engineer
SF	Square Feet
VMT	Vehicle Miles Traveled

2 SCOPE AND PROCESS

Category	Findings
Scope	The scope of work consisted of: • Review of the Eddie Jones Industrial Redevelopment Project (Project) LTS and VMT Analysis. • Preparation of peer review traffic engineering comments.
Traffic Impact Analysis Review Process and Limitations	This report is based on significant and relevant findings obtained during a review of Project TIS by Scott Kelley, PE, PTOE of Greenlight Traffic Engineering, LLC (Reviewer). This report has been developed in accordance with the preparer's understanding of the Project details, as well as the preparer's professional experience related to preparing and reviewing traffic and transportation studies. In addition, all review findings are based on available and provided documentation.
Examined Documents	The following documents were examined as part of this report: • Eddie Jones Industrial Redevelopment Project Draft LTS (LOS Engineering Inc., August 2023) • Eddie Jones Industrial Redevelopment Project Draft VMT (LOS Engineering Inc., April 2022)

3 PROPOSED PROJECT

Category	Findings
Project Developer	Eddie Jones Industrial
Project Traffic Engineer	LOS Engineering Inc.
Project Description	Proposed redevelopment of Manufacturing and Warehousing facility.
Project Location	250 Eddie Jones Way in Oceanside, California.
Project Access	The Project will access be accessed via driveways on Benet Road and Alex Road.
Project Jurisdiction(s)	All study area streets are under jurisdiction of COO.

4 EXECUTIVE SUMMARY

Greenlight Traffic Engineering completed a review of the Eddie Jones Industrial Redevelopment Project Draft Local Transportation Study and Draft Vehicle Miles Traveled documents prepared by LOS Engineering Inc. in August 2023 and April 2022, respectively.

The proposed project is a mix of approximately 30% manufacturing and 70% warehousing with a total of up to 568,000 SF of building space. The project will replace an existing manufacturing business with 172,305 SF resulting in a net building increase of approximately 395,695 SF.

The LTS report provides a non-CEQA analysis as required by the City of Oceanside. The VMT report determines if there is a potential CEQA VMT transportation impact.

The Draft VMT Analysis appears to be consistent with applicable standards and procedures; therefore, there are no comments pertaining to the Draft VMT Analysis. However, we have identified concerns with several assumptions within the LTS analysis. A summary of those items are detailed below.

4.1 Trip Assignment

Within the DEIR, the Project Description section, ES.2.2, notes the restriction of the Alex Road access to passenger vehicles only, while Benet Road is to be used by heavy truck traffic. However, the LTS does not clearly identify the trip assignment and distribution for both passenger vehicle and truck traffic through the transportation network to confirm that the modeling and analysis results are consistent with the assumptions in ES.2.2.

4.2 Passenger Car Equivalent

The PCE, as defined in Exhibit 12-25 of the Highway Capacity Manual (HCM) 6th Edition, is formulated for Basic Freeway and Multilane Highway Segments marked by continuous traffic flow. In the context of the Project, the arterial and collector roads nearby experience interrupted traffic flow due to traffic signals along the corridors. Additionally, the warehousing use is expected to see primarily large trucks. Therefore, a higher PCE should be used to more adequately represent the future capacity and Project impacts on the roadway network within the study area.

Impact of Trucks on Signalized Intersection Capacity (Washburn and Cuz-Casas, June 2010) indicates that the PCE estimated in the HCM is low. Per the study's abstract, "The PCE values determined from this study are 1.8, 2.2, and 2.8 for small, medium, and large trucks, respectively. A model for estimating startup lost time based on the same small, medium, and large truck classifications was also developed."

In conclusion, the utilization of the PCE as outlined in the HCM 6th Edition may not fully capture the intricacies of traffic dynamics in the study area. Considering the projected increase in large trucks associated with warehousing use, the need for a higher PCE is emphasized to more accurately represent the future capacity and potential impacts of the Project on the roadway network.

4.3 Project Trip Generation

It is recommended to employ the fitted curve equation for car trips related to Land Use Code 140: Manufacturing. This is because this equation has the capability to accurately represent the increased traffic volumes associated with this particular land use category.

4.4 Heavy Vehicle Percentage

In the analysis, a default heavy vehicle factor of 2% is utilized. The area within the Project vicinity will experience an increase in heavy vehicle traffic due to the Project and additional planned developments. The increase in other project truck trips should be considered at the study intersections to accurately evaluate the impact of the Project on the study area roadway network.

4.5 Traffic Safety

With planned development, the study area vicinity is expected to see a significant increase in large truck traffic within the coming years. The study does not address the impact of the increased safety risk of mixing greater percentages of heavy truck traffic with passenger car traffic. According to NHTSA Traffic Safety Facts (April 2022), "In 2020 large trucks accounted for 9 percent of all vehicles involved in fatal crashes and 5 percent of all vehicles involved in injury and property-damage-only crashes. Large trucks accounted for 5 percent of all registered vehicles ..." NHTSA Traffic Safety Facts (April 2022). Large trucks represent 5% of the vehicle population; however, they are involved in 9% of fatal crashes. Therefore, large trucks are nearly twice as likely to be involved in fatal crashes compared to passenger vehicles.

According to *Trucks a significant cause of severe accidents, study finds* (Taylor & Francis, December 5, 2013), trucks account for 8% of highway traffic, but have a disproportionate impact on fatal road crashes, contributing to 11% of such incidents. A study published in the International Journal of Injury Control and Safety Promotion revealed that a mere 1% increase in truck volume significantly raises the probability of severe crashes, emphasizing the concerning correlation between higher truck traffic and elevated crash risks.

According to a blog published in Omnitracs' Road Ahead Blog, *The Unacceptable Increase in Truck-Involved Crashes and Fatalities* on August 24, 2022, by Don Osterberg (Safety Advisor, Omnitracs), truck crash fatalities increased by 48% from 2009 to 2019, with nearly 5,000 deaths in 2020. Despite a 32% rise in truck miles driven, fatalities rose by 48%. The data suggests a need for improved safety measures as truck-involved crash injuries soared by 115% in 2020. Analysis reveals that a significant percentage of crashes occur on non-interstate roads, with 27% at four-way intersections and 57% on rural roads. Truck drivers, despite lower alcohol involvement, had a higher rate of previous crashes (23%).

In conclusion, the impending growth in large truck traffic, as anticipated with planned development in the study area, raises serious concerns about road safety. The LTS omits an examination of the heightened safety risk arising from increased interaction between heavy trucks and passenger cars.

In addition, the City has not adequately planned for emergency evacuation in the event of a wildfire, nor has the developer identified how this risk will be mitigated with the increase in traffic and congestion. The LTS has not addressed this risk. The rise in truck traffic poses the risk of increased congestion during emergency situations, potentially impeding the safe and timely evacuation of residents in the vicinity.

5 SUMMARY OF TECHNICAL COMMENTS

Item No.	Sheet	Comment
Eddie Jones Industrial Redevelopment Project Draft LTS (LOS Engineering Inc., August 2023)		
1.	General	The section ES.2.2 Project Description of the Draft Environmental Impact Report (DEIR) reports states the following: "The Alex Road access would be limited to passenger vehicles, and heavy truck traffic would be limited to the Benet Road access point." However, the LTS overlooks the inclusion of this information, lacking distinct trip assignment and distribution for truck and vehicle traffic.
2.	General	The Passenger Car Equivalent (PCE), as determined by Exhibit 12-25 in the Highway Capacity Manual (HCM) 6th Edition, is designed for Basic Freeway and Multilane Highway Segments characterized by uninterrupted traffic flow. In the context of the Project, the arterial and collector roads in the vicinity exhibit interrupted traffic flow due to the ingress and egress associated with the development. Consequently, a higher PCE should be considered to accurately account for the traffic conditions on these roads surrounding the Project.
3.	General	The conditions of Existing plus Project, Near Term plus Project, and Horizon Year 2030 plus Project require revision following the updates based on the provided comments. This is essential to accurately depict the Level of Service (LOS) results and the impacts of the project on the surrounding area.
4.	17	**Project Traffic Generation** Calculation of Project-generated car trips using the ITE Trip Generation Manual Land Use Code 140: Manufacturing should utilized the fitted curve equations.

Item No.	Sheet	Comment
5.	17	**Project Traffic Generation** For the analysis, a default heavy vehicle factor of 2 is employed. Given that the Project, along with additional background developments, is anticipated to augment heavy vehicle traffic in the study area, it is imperative to apply a suitable heavy vehicle factor. This adjustment is necessary to accurately assess the impact of the Project on the surrounding area in terms of increased truck traffic.
6.	18-19	**Figures 8-9** The trip distribution, trip assignment, and related analysis results need to be updated to accurately reflect vehicle access via Alex Road and truck traffic access via Benet Road.

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

	name	signature	date	Tenant	Homeowner
3116 Toopal Drive				⌂	⌂
3120 Toopal Drive	Jose Sanchez		2-11-25	⌂	⌂
3124 Toopal Drive	Uy Ngo		2/15/25	⌂	✓
3128 Toopal Drive	Nicholas Alcantar		2/11/25	⌂	⌂
3132 Toopal Drive	David Evazohan		2-11-25	⌂	X
3136 Toopal Drive				⌂	⌂
3140 Toopal Drive	Bethany Storz		2/11/2025	⌂	X

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Tenant ☐ Homeowner ☐

address:	name	signature	date	Tenant	Homeowner
3140 TOOPAL DRIVE	DAMIAN STORZ		2/11/25	☐	☑
3132 TOOPAL DR			2-11-25	☐	☑
3120 Toopal DR			2.11.25	☐	☐
3120 Toopal Dr			2.11.25	☐	☐
				☐	☐
				☐	☐
				☐	☐

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Tenant / Homeowner

	name	signature	date	
3152 ~~3144~~ Toopal Drive	Kristina Dumbeck		2-15-25	⌂ ✓
3152 ~~3148~~ Toopal Drive	Jason Dumbeck		2-15-25	⌂ ✓
3148 ~~3152~~ Toopal Drive	Kr Gina Margiotta	Gina Margiotta	2-16-25	⌂
3156 Toopal Drive	Jim Kordenbrock			⌂ ✓
3160 Toopal Drive	Erin Kleefisch		2/16/25	✓ ⌂
3164 Toopal Drive	Eeva Platt		2-15-25	⌂
3168 Toopal Drive	Shonell Hunter		2/15/25	⌂

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Tenant

Homeowner

address	name	signature	date	
3164 Toopal Dr	Bailey Platt		2/15/25	⌂
3166 TOOPAL DR	CANDICE NGUYEN		2/15/25	⌂
3144 TOOPAL DR	Tuyet Nguyen	Tuyet Nguyen	2/16/25	⌂
3144 TOOPAL DR	CATHERINE Nguyen	CATHERINE Nguyen	2/16/25	⌂
3148 Toopal Dr.	Vince Margiotta		2/16/25	⌂
3160 Toopal Dr.	Elisabeth Nickerson		2/16/25	⌂
3160 TOOPAL DR	JOE KLEEKREH		2/16/25	⌂

PG. 2 cont.

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Tenant ⋮ Homeowner

3172 Toopal Drive

name	signature	date	
ERIK HANSEN		11 FEB 25	☐ ✓

3176 Toopal Drive

name	signature	date	
	Brad Burgener	11 Feb 25	☒ ☐

3180 Toopal Drive

name	signature	date	
CHARLIE MAYFIELD		2/14/25	☐ ✓

3184 Toopal Drive

name	signature	date	
Erin Guerra		2/13/25	☐ ☐

3188 Toopal Drive

name	signature	date	
Anthony Picciolo		2/11/25	☐ ☒

3192 Toopal Drive

name	signature	date	
DAVID KERTENIAN		2/11/25	☐ ☒

3196 Toopal Drive

name	signature	date	
PATRICIA FRAZIER		2/11/25	☐ ☑

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	Tenant	Homeowner
3172 Toopal Dr.	Carol McConnell		2/11/25	⌂	☒
3176 TOOPAL DR.	SOPHIE BURGENER		2/11/25	☒	⌂
3192 Toopal Dr.	Jessica Lieberman		2-11-25	⌂	☒
3180 Toopal Drive	VIRGINIA MAYFIELD		2/14/25	⌂	☒
				⌂	⌂
				⌂	⌂
				⌂	⌂

Pg 3 cont

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Tenant ⌂ Homeowner ⌂

3135 Toopal Drive

name	signature	date	⌂	⌂
Joshua Ong		2/16/25	⌂	☒

3139 Toopal Drive

name	signature	date	⌂	⌂
			⌂	⌂

3143 Toopal Drive

name	signature	date	⌂	⌂
Kim Chambers		2/15/25	☒	✓

3147 Toopal Drive

name	signature	date	⌂	⌂
Dana Martinez		2/12/25	⌂	☒

479 Tishmal Court

name	signature	date	⌂	⌂
Chris Eichner	Chris Eichner	02/12/25	⌂	☒

475 Tishmal Court

name	signature	date	⌂	⌂
Dawn C. Noakes	Dawn C. Noakes	2/12/25	⌂	☒

471 Tishmal Court

name	signature	date	⌂	⌂
GRETCHEN GARY		02/12/25	⌂	☒

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	
479 Tishmal CT	Juliet Eichner		02/12/25	⌂ ☒
471 TISHMAL COURT	JOHN BUCALO		02/12/25	⌂ ☒
475 TISHMAL CT	MARK NOAKES		2/15/25	⌂ ☒
3143 Toopal Dr.	Andy Chambers		2/15/25	⌂ ☒
3135 Toopal Dr	Ann Ong		2/15/25	⌂ ☒
471 TISHMAL COURT	Daniela Bucalo	Daniela Bucalo	2/10/25	⌂ ☒
				⌂ ⌂

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Tenant

Homeowner

	name	signature	date	
470 Tishmal Court	LARRY D. MORROW	Larry D. Morrow	2-12-2025	⌂ ☒
474 Tishmal Court	Ryan Reyes	Ryan Reyes	2/6/25	⌂ ☒
478 Tishmal Court	Gene R. O'Neal JR		2-15-25	⌂ ☒
3173 Toopal Drive	Daniela Hernandez	Daniela Hz	2.12.25	⌂ ☒
3177 Toopal Drive	Cindi Eastley	C. Eastley	2/17/25	⌂ ☒
3181 Toopal Drive	REMEE S. PUCKETT	Remee Puckett	02-15-25	⌂ ☒
3185 Toopal Drive	Jeanette Simon	Jeanette Simon	2-15-25	⌂ ☒

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Tenant

Homeowner

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address:	name	signature	date	
Cindy Morrow 470 Tishmal Ct.	Cindy Morrow		2/12/25	
Daisy Thonnard 3173 Toopal Drive			2/12/25	
David 3173 Toopal dr			2/14/25	
3185 Toopal Dr James Simon			2.15.25	
478 Tishmal Court Carrie O'Neal	Carrie Oneal		2-15-25	
474 Tishmal Ct Saron Reyes			2/15/25	
3177 Toopal Dr. Ray Endsley			2/17/25	

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	Tenant ⌂	Homeowner ⌂
3177 Toopal Drive 92058	Kaitlynn Endsley		2/16/25	⌂	⌂
3177 Toopal Drive 92058	Kaylee Endsley		2/16/25	⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂

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Cont

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Tenant ⌂ Homeowner ⌂

	name	signature	date	
3189 Toopal Drive	Yulia Caballero		2/15/25	⌂ ⓧ
3193 Toopal Drive	Minh Pham		2/11/25	⌂ ☒
3195 Toopal Drive	MABEL ARANGO	Mabel Arango	2-11-25	⌂ ☒
3199 Toopal Drive				⌂ ⌂
3203 Toopal Drive	ROBERTA SCHILDT	Roberta J Schildt	2/11/25	⌂ ☒
3207 Toopal Drive	TRANG TRAN THUY LE		2/15/25	⌂ ☒
3211 Toopal Drive	Tam Nguyen	Tam Nguyen	2/16/25	⌂ ☒

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Tenant Homeowner

address:	name	signature	date	⌂	⌂
	Binh Pham	B	2/11/25	⌂	⌂
address: 3203 Toopal Drive	Richard Schildt ←→	Richard Schildt	2/11/25	⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂

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Tenant ⌂ Homeowner ⌂

	name	signature	date	Tenant	Homeowner
3215 Toopal Drive	JANICE OLIVER		2/16/25	⌂	☒
3219 Toopal Drive	Charles Braithwaite		2/16/25	⌂	☒
3223 Toopal Drive				⌂	⌂
3227 Toopal Drive	Gregory Bushnell		2/17/25	⌂	☒
3231 Toopal Drive	Thai Chou		2/16/25	⌂	☒
3235 Toopal Drive	Around Palomares		2/16/25	⌂	☒
3239 Toopal Drive				⌂	⌂

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	Tenant	Homeowner
3219 Toopal Dr.	Jung Braithwaite	Jung Braithwaite	2/16/25	⌂	☒
3231 Toopal Dr.	Soryann Sam	Soryann Sam	2/16/25	⌂	☒
3215 TOOPAL DR	DAVID P OLIVER JR	D	2/17/25	⌂	☒
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	Tenant	Homeowner
3235 TOPAL D ~ Oceanside CA 92058	APOLONIO PALOMARES		2/15/25	⌂	⌂
3235 Topal	MARIA TERESA PALOMA	Maria Teresa Palomares	2/15/25	⌂	⌂
3235 Topal	Apolonio G. Palomares Jr.		2/15/25	⌂	⌂
3235 Topal	Juan Rodriguez		2/15/25	⌂	⌂
3235 Topal	Maria Palomares		2/15/25	⌂	⌂
				⌂	⌂
				⌂	⌂

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

3243 Toopal Drive

name	signature	date	Tenant	Homeowner
Alyce Budde		2/11/25	⌂	☒

3247 Toopal Drive

name	signature	date	Tenant	Homeowner
LYNN HUYNH		2/11/25	⌂	☒

3251 Toopal Drive

name	signature	date	Tenant	Homeowner
Richard Johnsen		2/11/25	☑	⌂

3255 Toopal Drive

name	signature	date	Tenant	Homeowner
Mark McIntyre		2/16/25	⌂	☒

3259 Toopal Drive

name	signature	date	Tenant	Homeowner
Linda Jones-Zack		2/14/2025	⌂	☒

3263 Toopal Drive

name	signature	date	Tenant	Homeowner
John Chu		2/15/25	⌂	☒

3267 Toopal Drive

name	signature	date	Tenant	Homeowner
Tara Gordon		2/16/25	⌂	☒

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

Tenant

Homeowner

* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

address:	name	signature	date
3248 Toopal Dr	Terrence L. Patton	Resident	2/11/25
3247 Toopal Dr	Jamie Huynh	Resident	2/11/25
3247 Toopal Dr	The-Nguyen	Resident	2/11/25
3247 Toopal Dr	Vu Huynh	Resident	2/11/25
3275 Toopal Dr	Kevin Cornell		2/15/25
3263 Toopal Dr	Justin Brown-Chun	Resident	20250215
3275 Toopal Dr.	Kelly Cornell	Kelly Cornell	2-15

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cont

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ☐ Homeowner ☐

3271 Toopal Drive				
SUSAN J. MORA			2-15-25	☐ ☒
name		signature	date	

3275 Toopal Drive				
Kelly Cornell		Kelly Cornell	2-15-25	☒ ☐
name		signature	date	

3281 Toopal Drive				
Randall J Hanson			2/15/25	☐ ☒
name		signature	date	

3287 Toopal Drive				
Jill Montgomery			2-17-25	☐ ☒
name		signature	date	

3293 Toopal Drive				
Cuby Tenpenny			2-15-25	☒ ☐
name		signature	date	

3299 Toopal Drive				
Valerie Bennett		Valerie Bennett	2-15-25	☐ ☒
name		signature	date	

3303 Toopal Drive				
ERNEST LINCOLN			2/17/25	☒
name		signature	date	

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant ☐ Homeowner ☐

address	name	signature	date	Tenant	Homeowner
3281 Toopal Drive	Mary Hanson	Mary Hanson	2/15/25	☐	☒
3281 Toopal Drive	Johnathan Peterson	Johnathan Peterson	2/15/25	☐	☒
3281 Toopal Drive	Robert Hanson	Robert Hanson	2/15/25	☐	☒
3275 TOOPAL DR	KEVIN CORNELL	Kevin Cornell	2/15/25	☒	☐
3311 Toopal Drive	Dan + Laura Davis	Laura Davis	2/15/25	☐	☒
3271 TOOPAL DRIVE	ANTHONY MORA	Anthony Mora	2/15/25	☐	☒
3275 TOOPAL DRIVE	MATT BOURNE	Matt Bourne	2/15/25	☐	☒

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

address: 3275 Toopal dr.			
Kirstie Bourne		2-15-25	⌂ ✓
name	signature	date	

address: 3303 Toopal Dr.			
CHRISTA LANGER		2/17/25	⌂ ✓
name	signature	date	

address: 3287 Toopal Dr.			
Nick Montgomery		2/17/25	⌂ ✓
name	signature	date	

address:			
			⌂ ⌂
name	signature	date	

address:			
			⌂ ⌂
name	signature	date	

address:			
			⌂ ⌂
name	signature	date	

address:			
			⌂ ⌂
name	signature	date	

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant ⌂ Homeowner ⌂

3307 Toopal Drive

name	signature	date	⌂	⌂

3311 Toopal Drive

name	signature	date	⌂	⌂

3321 Toopal Drive

name	signature	date	⌂	☒
Tracy Zuber	Tracy Zuber	2/15/25	⌂	☒

3331 Toopal Drive

name	signature	date	☒
Nancy Albert	Nancy Albert	2/15/25	☒

3341 Toopal Drive

name	signature	date	☒	⌂
Clinton R Heckman	Clinton R Heckman	2/15/25	☒	⌂

3351 Toopal Drive

name	signature	date	⌂	☒
Jayne E Moynihan	Jayne E Moynihan	2/16/25	⌂	☒

3361 Toopal Drive

name	signature	date	⌂	☒
Richard A Gomez		16 Feb 2025	⌂	☒

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant / Homeowner

address	name	signature	date	
3331 Toopal Dr Oceanside CA 92058	Art Alber		2/15/25	☐ ☑
3341 TOOPAL DRIVE OCEANSIDE, CA 92058	Courtney V Heckman		2/15/2025	☐
3321 TOOPAL DR OCEANSIDE, CA 92058	Patrick Zuber		2/15/2025	☑
3361 Toopal Dr oceanside ca 92058	Ernest Gomez		2/16/25	☐
3351 TOOPAL DR 92058	PAUL TERWILLIGER		2-16-25	☐ ☒
3361 Toopal Drive Oceanside CA 92058	Irish Gomez		2-17-25	☐ ☑
3341 Toopal Drive oceanside, CA 92058	Jenna Murray		2-17-25	☐

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

Tenant ⌂ Homeowner ⌂

	name	signature	date	Tenant	Homeowner
3360 Toopal Drive				⌂	⌂
3350 Toopal Drive	Holly Bacci		2/16/25	⌂	☒
3340 Toopal Drive	Terisa Sowul		2/16/25	⌂	☒
3330 Toopal Drive				⌂	⌂
3320 Toopal Drive	Margarita Garcia		2-17-25	⌂	☒
3310 Toopal Drive				⌂	⌂
484 Big Sky Drive	Erik Vega		2/17/25	⌂	☒

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	Tenant	Homeowner
3299 Toopal Drive	David Bennett		2/16/25	⌂	☒
3340 TOOPAL DR.	CHRIS LEVENTIS		2/16/25	⌂	☒
3320 Toopal DR	Wendy P Tapia		2/16/25	⌂	☒
3320 Toopal DR	Tita A Gomez		2/16/25	☒	⌂
3320 Toopal DR.	Sergio Gomez		2/16/25	☒	⌂
3350 TOOPAL DR.	ADAM LOCKWOOD		2/16/25	⌂	☒
				⌂	⌂

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

Tenant / Homeowner

Address	name	signature	date
488 Big Sky Drive	Tri Vo	[signature]	2/11/25 (Homeowner)
492 Big Sky Drive	Kaml Mackenn	[signature]	2/11/25 (Homeowner)
496 Big Sky Drive	Anna Kasperowicz-Floyd	[signature]	2/11/2025 (Homeowner)
497 Big Sky Drive	Jean Zhang	[signature]	2/11/2025 (Tenant)
493 Big Sky Drive	Alison Drummond	[signature]	2/11/2025 (Tenant)
489 Big Sky Drive	Gina Cuevas	[signature]	2/11/2025 (Tenant)
485 Big Sky Drive	Henry Wight	[signature]	2/11/25

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

	name	signature	date
3280 Toopal Drive			
3276 Toopal Drive	Linda Innes		2/15/25
3272 Toopal Drive			
3268 Toopal Drive	[illegible]		2/15/25
3264 Toopal Drive			
3260 Toopal Drive	KURT [illegible]		2/15
3256 Toopal Drive	[illegible]	THU NGUYEN	2/17/25

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

Tenant Homeowner

* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

3256 Toopal DR Oceanside, CA 92058

address:				
HANH NGUYEN	[signature]	2/17/25	☐	☐
name	signature	date		

address:				
			☐	☐
name	signature	date		

address:				
			☐	☐
name	signature	date		

address:				
			☐	☐
name	signature	date		

address:				
			☐	☐
name	signature	date		

address:				
			☐	☐
name	signature	date		

address:				
			☐	☐
name	signature	date		

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant ⌂ Homeowner ⌂

	name	signature	date	Tenant	Homeowner
3252 Toopal Drive				⌂	⌂
3248 Toopal Drive	Amber Sweet-Smith		2/11/25	⌂	☑
3244 Toopal Drive	THANH G PHAM		2/12/25	☒	
3240 Toopal Drive	RICHARD L. EMPSON	R/L. Empson	2/11/2025	☒	
3236 Toopal Drive	Kimberly Romero	R. Romero	2/12/25	☒	
3232 Toopal Drive	Robert Ramirez		02/12/25	☑	⌂
3228 Toopal Drive	William R. Pritchard	William R Pritchard	2/11/25	☒	

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ↓ Homeowner ↓

address:	name	signature	date		
3240 Toopal Dr.	Terri Empson	Terri Empson	2/11/25	☐	☒
3228 Toopal Dr	Maria Pritchard	Maria Pritchard	2/11/25	☐	☒
3248 Toopal Dr Oceanside ca 92058	amber Sweet-Smith		2/11/25	☐	☑
3248 Toopal DR Oceanside CA 92058	Theresa Sweet		2/11/25	☒	☐
3240 TOOPAL DR Oceanside CA 92058	Shaun Smith		2/11/25	☐	☑
3248 Toopal Dr. Oceanside CA 92058	Patrice Smith	Patrice Smith	2/11/25	☒	☐
3248 Toopal Dr. Oceanside CA 92058	Clarence Smith		2/11/25	☒	☐

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant Homeowner

address:	name	signature	date	⌂	⌂
3244 TOOPAL DR	HARRY NGUYEN		2/12/25	⌂	X
address: 3236 Toopal Dr	Jose Romero		2/12/25	⌂	X
address: 3232 Toopal Dr	Gabriela Ramirez		02/12/2025	⌂	⌂
address:				⌂	⌂
address:				⌂	⌂
address:				⌂	⌂
address:				⌂	⌂

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Tenant ⌂ Homeowner ⌂

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	name	signature	date	
3224 Toopal Drive	LUDMILA LYNN	Ludmila Lynn	2/15/25	●
3220 Toopal Drive				⌂ ⌂
3216 Toopal Drive	STUART CANNES		02.15.25	●
3212 Toopal Drive	Vincent Alessi	V. Tacla	2/15/25	●
3208 Toopal Drive				⌂ ⌂
3204 Toopal Drive				⌂ ⌂
3200 Toopal Drive	Susan M Baumgardner	Susan M Baumgardner	2-15-25	●

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Tenant ☐ Homeowner ☐

address:	name	signature	date	Tenant	Homeowner
3200 Toopal Drive	Todd Bumgardner	Todd Bumgardner	2-15-25	☒	☐
3216 Toopal Drive	Pam Veiga Cannes	Pamela G. Veiga	2/15/25	☒	☐
3212 Toopal Dr.	Ana Alessi		2/17/25	☐	☐
				☐	☐
				☐	☐
				☐	☐
				☐	☐

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant Homeowner

* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

~~3276 Canyon View Drive~~

name	signature	date
~~Samuel Reed~~	~~Samuel Reed~~	~~2/16/25~~

520 Blue Jay Court

name	signature	date
CASSIDY FLATT		2/18/25 ☐

516 Blue Jay Court

name	signature	date
SALMADAIN GAYAT	SALMADAIN GAYAT	2/11/25 ☑

3288 Canyon View Drive

name	signature	date
PAUL ZENTAI	Paul Zentai	2/15/25 ☐

3284 Canyon View Drive

name	signature	date
DOUGLAS KIDD		2-15-25 ☑

3280 Canyon View Drive

name	signature	date
		☐ ☐

3276 Canyon View Drive

name	signature	date
Jacob Cole		2/15/25 ☐

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

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name	signature	date	Tenant	Homeowner
3289 CANYON VIEW DRIVE Sylina KIDD	Sylina Kidd	2/15/25	⌂	✱
			⌂	⌂
			⌂	⌂
			⌂	⌂
			⌂	⌂
			⌂	⌂
			⌂	⌂

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

3272 Canyon View Drive				
MARTINA RAKOWSKI		2-15-2025	⌂	☒
name	signature	date		

3268 Canyon View Drive				
Sean P. O'Donnell		2-13-2025	⌂	☒
name	signature	date		

3264 Canyon View Drive				
DAVID M. BAURAC		13 FEB 2025	⌂	☒
name	signature	date		

3260 Canyon View Drive				
			⌂	⌂
name	signature	date		

3256 Canyon View Drive				
Darren Parsons		13 Feb 2025	⌂	☒
name	signature	date		

3252 Canyon View Drive				
Carlos Rocalde		2/16/25	⌂	☒
name	signature	date		

3248 Canyon View Drive				
Andrew Meyers		13 Feb 2025	⌂	☒
name	signature	date		

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	Tenant	Homeowner
3252 Canyon View Dr	Tina Recalde		2/16/2025	⌂	☑
3256 Canyon View	Alise Patsons		2/16/25	⌂	☑
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂

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Con't (1 of 2

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant Homeowner

address: 3248 Canyon View Dr Oceanside CA 92058				
Lindsay Meyers		2.13.2025	☐	☒
name	signature	date		

address: 3264 Canyon View Dr., Oceanside CA 92058				
CYNTHIA A. HEUER	Cynthia A. Heuer	2-13-2025	☐	☒
name	signature	date		

address:				
			☐	☐
name	signature	date		

address:				
			☐	☐
name	signature	date		

address:				
			☐	☐
name	signature	date		

address:				
			☐	☐
name	signature	date		

address:				
			☐	☐
name	signature	date		

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Cont (2 of 2)

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant Homeowner

	name	signature	date	T	H
3244 Canyon View Drive	Matt Livingston	MJ	2/16/25	☐	☑
3240 Canyon View Drive	Tamara Livingston	Tamara Livingston	2/15/25	☐	☑
3236 Canyon View Drive	AARON BARRETT		2/15/25	☐	☑
3232 Canyon View Drive	SHEPARD WILLIAMS		2/16/25	☑	☐
3228 Canyon View				☐	☐
3224 Canyon View	Steve & Sandel		2/14/25	☐	
				☐	☐

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant Homeowner

address:	name	signature	date	⌂	⌂
3236 Canyon View Dr.	Lindsay Baggett		2/15/25	⌂	⌂
3244 Canyon View Dr.	Luanne Livingston		2/16/25	⌂	⌂
3232 Canyon View Dr Oceanside CA	Joan Kwasiborski		2/16/25	⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant

Homeowner

3219 Big Sky Drive / Canyon View Dr				
Cassandra Maldonado	C. Maldonado	02.14.25	⌂	⌂
name	signature	date		

3223 Canyon View Drive				
			⌂	⌂
name	signature	date		

3227 Canyon View Drive				
Anne Sheldon		2.15.25	⌂	
name	signature	date		

3231 Canyon View Drive				
Jeff McKinney		2.13.25	⌂	⌂
name	signature	date		

3235 Canyon View Drive				
Ashley Snyder		2.13.25	⌂	⌂
name	signature	date		

3239 Canyon View Drive				
August B. Valentine		2-13-25	⌂	⌂
name	signature	date		

3243 Canyon View Drive				
ERNEST SCHREPFER		15FEB2025	⌂	⌂
name	signature	date		

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant / Homeowner

address:	name	signature	date	
3227 Canyon View Dr	Elizabeth Sheldon		2/15/25	⌂ 🏠
3227 Canyon view Dr	Scott Sheldon		2/15/25	⌂ 🏠
3219 Canyon View Dr.	Ana Cruz		2/17/25	⌂ 🏠
3219 Canyon View DR	Leo Cruz		2/17/25	⌂ 🏠
				⌂ ⌂
				⌂ ⌂
				⌂ ⌂

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Con't

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

3247 Canyon View Drive				
name	signature	date	⌂	⌂
3251 Canyon View Drive				
Julie Francisco		2/12/25	⌂	☒
3255 Canyon View Drive				
Warren Given		2-15-25	⌂	☒
3259 Canyon View Drive				
THOMAS LEVINE		2/12/25	⌂	☑
3263 Canyon View Drive				
Terry V. Toyar	Terry V. Toyar	2/12/25	⌂	☒
3267 Canyon View Drive				
Syndi Lyon		2/18/25	⌂	●
3271 Canyon View Drive				
Bernadette Pascual		2/15/25	⌂	☒

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

address: 3251 Canyon View Drive Oceanside, CA. 92058				
David Francisco	David Francisco	2/12/25	⌂	☒
name	signature	date		

address: 3251 Canyon View Drive Oceanside, CA 92058				
Emma Francisco	Emma Francisco	2/12/25	⌂	☒
name	signature	date		

address: 3251 Canyon View Drive Oceanside, CA. 92058				
Andrew Francisco	Andrew Francisco	2/12/25	⌂	☒
name	signature	date		

address: 3259 Canyon View Dr Oceanside, CA 92058				
Renée LeVine	Renée LeVine	2/12/25	⌂	☒
name	signature	date		

address: 3259 CanyonView Dr Oceanside, CA 92058				
Dawn LeVine	Dawn LeVine	2/12/25	⌂	☒
name	signature	date		

address: 3255 Canyon View Dr				
Zhenhua Li		2/15/25	⌂	☒
name	signature	date		

address: 3271 Canyon View				
Colezon Cerezo		2/15/25	⌂	☒
name	signature	date		

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

Tenant ⌂ Homeowner ⌂

559 Big Sky Drive

name	signature	date	⌂	⌂

563 Big Sky Drive

name	signature	date	⌂	⌂

567 Big Sky Drive

name	signature	date	⌂	⌂
Elijah Shepherd		2/15/25	⌂	

571 Big Sky Drive

name	signature	date	⌂	⌂
JUDY SANDERS		2/13/25	⌂	X

575 ~~579~~

575 Big Sky Drive

name	signature	date	⌂	⌂
Shawn Danielsen		2-15-25	⌂	X

575

~~579~~ Big Sky Drive

name	signature	date	⌂	⌂
Bill Young		2.15.25	⌂	X

583 Big Sky Drive

name	signature	date	⌂	⌂
RHONDA THOMSON	Rhonda Thomson	2/13/25	⌂	X

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ☑

address: 583 Big Sky Dr, Oceanside, CA 92058				
Madeleine Thomson	Madeleine Thomson	2/15/25	⌂	☑
name	signature	date		

address: 583 Big Sky Dr. Oceanside CA 92058				
Brian Thomson	B Thomson	2/15/25	⌂	☑
name	signature	date		

address: 583 Big Sky Dr, Oceanside CA 92058				
Miranda Thomson		2/15/25	⌂	☑
name	signature	date		

address: 579 Big Sky Dr. Oceanside, CA. 92058				
Sean Danielsen		2/15/25	☑	⌂
name	signature	date		

address:				
			⌂	⌂
name	signature	date		

address:				
			⌂	⌂
name	signature	date		

address:				
			⌂	⌂
name	signature	date		

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

Tenant | Homeowner

587 Big Sky Drive

name	signature	date	Tenant	Homeowner
Linda Mohamed	Linda Mohamed	13-2-25	⌂	■

3215 Big Sky Drive

name	signature	date	Tenant	Homeowner
Douglas P. Smith	Douglas P. Smith	12/2/25	⌂	■

3218 Canyon View Drive

name	signature	date	Tenant	Homeowner
Douglas P. Smith	Douglas P. Smith	12/2/25	⌂	■

560 Crestwood Drive

name	signature	date	Tenant	Homeowner
S. Mohamed		13-2-25	⌂	■

556 Crestwood Drive

name	signature	date	Tenant	Homeowner
Cynthia Gladstone Reemtsma	Cynthia Reemtsma	14-2-25	⌂	■

552 Crestwood Drive

name	signature	date	Tenant	Homeowner
			⌂	⌂

548 Crestwood Drive

name	signature	date	Tenant	Homeowner
Miguel Gutierrez Solano	[signature]	14/02/25	☑	⌂

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	Tenant	Homeowner
3215 Canyon View Drive	Marilyn K. Smith	Marilyn K. Smith	12/2/25	⌂	●
				⌂	⌂
587 Big Sky Drive	SALAH Mohamed	S Mohamed	13-2-25	⌂	●
560 Crestwood Dr. Oceanside CA 92058	Durkhanai Tahmas		02-12-25	⌂	⌂
548 Crestwood Dr Oceanside CA 92058	Braden McGuire		02/15/25	●	⌂
				⌂	⌂
				⌂	⌂

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

Tenant ⌂ Homeowner ⌂

* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

	name	signature	date	T	H
544 Crestwood Drive	Khushbu Patel		2/12/25	⌂	X
540 Crestwood Drive	Cassandra Diego		2/12/25	⌂	X
536 Crestwood Drive	PAULINE TSORIS		2-11-25	⌂	X
				⌂	⌂
616 Tukmal Drive	Brady Hollingsworth		2/12/25	X	⌂
606 Tukmal Drive	LUIS MURGUIA		2/12/25	⌂	X
598 Tukmal Drive	Greg Allen		2-11-25	⌂	X

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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address:	name	signature	date	Tenant	Homeowner
536 Crestwood Dr. Oceanside, CA 92058	George Tsoris	George Tsoris	2-11-25	☐	☒
598 Tukmal Dr.	Katie Allen	Katie Allen	2-11-25	☐	☒
540 Crestwood Dr.	Jose David Diego		2/12/25	☐	☒
544 Crestwood Pr.	Hitesh Patel		2/12/25	☐	☒
606 Tukmal Dr	Tierra Morgan		2/12/25	☐	☒
616 Tukmal Dr	Brady Hillingsworth		2/12/25	☐	☒
				☐	☐

Pg 03
Con't

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant Homeowner

	name	signature	date	⌂	⌂
596 Tukmal Drive				⌂	⌂
576 Tukmal Drive	RAYMOND HO	Raymond Ho	15 FEB 2025	⌂	☑
556 Tukmal Drive	ED & SHARI SAYERS	[signature]	15 FEB 25	⌂	☑
596 Tukmal Drive	WILLIAM WATERBURY	[signature]	15 FEB 25	⌂	☑
526 Tukmal Drive	ANTHONY SERRATO	[signature]	2/15/25	⌂	☑
523 Tukmal Drive	Jonathon Freeman	[signature]	2/15/25	⌂	☑
533 Tukmal Drive				⌂	⌂

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant Homeowner

address:	name	signature	date	⌂	⌂
523 TUKMAL DR	Robi Freeman	Robi Free	2/16/25	⌂	☑
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant ⌂ Homeowner ⌂

	name	signature	date	
553 Tukmal Drive	Timothy Cribbs		2/11/25	⌂ ☑
573 Tukmal Drive	Brian Robinson		2-12-25	⌂ ☑
593 Tukmal Drive	GLENN PERRAULT		2/15/25	☑ ⌂
601 Tukmal Drive	Linda Middleton		2-15-2025	☑
611 Tukmal Drive	JEFF KILGORE		2 15 25	⌂ ☑
621 Tukmal Drive	Diana Stephens		2/16/25	☑
631 Tukmal Drive	Andrew Dion		2-15-25	⌂ ☑

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ☐ Homeowner ☐

address:	name	signature	date	Tenant	Homeowner
553 Tukmal Dr	Calixta R. Espinoza		2/12/25	☑	☐
563 Tukmal Dr	Ivone R. Cribbs		2/12/25	☐	☒
573 Tukmal Drive	Wendy Robinson		2-12-25	☐	☒
601 Takmal Dr.	Les Middleton		2/15/25	☐	☑
631 Tukmal Drive	Brenda Dion		2/15/25	☐	☑
				☐	☐
				☐	☐

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ☐ Homeowner ☐

	name	signature	date	Tenant	Homeowner
622 Wala Drive	ROBERT FLORES		2/11/25	☐	☒
612 Wala Drive	Anthony Rowling		2/11/25	☐	☑
602 Wala Drive	Julia Miller		2.11.25	☐	☒
590 Wala Drive	Sally Zuckowich	Sally Zuckowich	2.11.25	☒	☐
570 Wala Drive	Clarence Low		02/11/2025	☐	☑
550 Wala Drive	WADE THOMAS	Wade W. Thomas	02/15/2025	☐	☑
530 Wala Drive				☐	☐

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	Tenant	Homeowner
602 Wala Drive	John Miller		2/15/25	⌂	☑
550 Wala Drive	Edna Y. Thomas	Edna Y. Thomas	15 Feb 25	⌂	☑
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

	name	signature	date	Tenant	Homeowner
510 Wala Drive	Chad Bernardo		2-11-2025	⌂	✓
511 Wala Drive	THOMAS SHAW	Thomas R. Shaw	2-11-2025	⌂	✓
531 Wala Drive	Nancy Burns		2-11-25	⌂	⌂
551 Wala Drive	Tim Sebreros		2-14-25	⌂	✓
571 Wala Drive	Natalie Baird	Natalie Baird	2/11/25	⌂	⌂
591 Wala Drive	Mary Jane Stacy		2-11-25	⌂	✓
603 Wala Drive				⌂	⌂

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant Homeowner

address:	name	signature	date	Tenant	Homeowner
531 Wals	BRANDON BAIRD	[redacted]	2-11-25	☐	☐
Dennis Stacy 591 Wala Dr. Oceanside Ca			2/14/25	☐	☐
Catherine Sebens 551 Wala Dr. Oceanside, CA 92058			02/14/25	☐	☑
				☐	☐
				☐	☐
				☐	☐
				☐	☐

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant Homeowner

	name	signature	date	T	H
609 Wala Drive	Jeremy Ramsey		2/14/25		X
~~617~~ Wala Drive				⌂	⌂
592 Moyla Court	EDUARD V. ROSA			⌂	X
572 Moyla Court	Theresa Nguyen		2/11/25	⌂	⌂
552 Moyla Court	Lin Gallagher		2/13/25	⌂	⌂
532 Moyla Court	Lourdes Garcia		2/13/25	⌂	⌂
512 Moyla Court	PG. 29			⌂	⌂

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant

Homeowner

* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

address:	name	signature	date	
525 TOOTH CT OSIDE CA 92058	MARY WESELOH		2-11-2025	☐
525 TOOTH CT OCEANSIDE, CA 92058	JADA MORALES		2-11-2025	☐
525 TOOTH CT OCEANSIDE CA 92058	LUKE WESELOH		2-11-2025	☐
525 TOOTH CT OCEANSIDE CA 92058	JACK WESELOH	Jack Weseloh	2-4-2025	
595 Moyla Ct Oceanside CA 92058	Rachel Auen	Rachel Auen	2.11.2025	☐
663 Wala Dr, Oceanside CA 92058	Anthony Vincent	Anthony Vincent	2-11-2025	☐
609 WALA DR	Emily Ramsey		2/14/2025	☒

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Address	name	signature	date	Tenant	Homeowner
515 Moyla Court	Travyn & Katie Maples		2/14/25	X	
535 Moyla Court	Georgia Smith		2-16-2[illegible]		X
555 Moyla Court	Nicole Holderman	Nicole Holderman	2/14/25	X	
575 Moyla Court	Martin Urbach		2/14/25		X
595 Moyla Court	CHRIS ALLEN		2/14/25		X
590 Toota Court	Kelly Frey		2/14/25	X	
584 Toota Court	Bean Peters		2/15/25	X	

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant Homeowner

address:	name	signature	date	⌂	⌂
575 Moyla Ct.	Lisa Urbach	Lisa Urbach	2-14-25	⌂	☒
512 Moyla Ct.	Paul Hanna		2/16/25	⌂	☒
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂

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Cont

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

	name	signature	date
580 Toota Court	Thomas Birk		2-16-25
570 Toota Court	CELERINA L-CORNETT	Celerina Lopez Cornett	2/14/25
560 Toota Court			
550 Toota Court	Angelica Woodrell		2-16-25
540 Toota Court	TAYLOR PENCE		2/16/25
530 Toota Court	Shelley Seto	Shelley Seto	2-16-25
520 Toota Court	Valerie Blake		2.16.25

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	Tenant	Homeowner
570 TOOTA CT, OCEANSIDE	BILL E. CORNETT		2/14/25	☐	☒
580 TOOTA CT OCEANSIDE	Juliette Burk		2/16/25	☒	☐
530 TOOTA CT OCEANSIDE	PAUL SETO		2-16-25	☐	☒
540 Toota Ct, Oceanside	Clayton Pence		2-16-25	☐	☑
550 TOOTA CT OCEANSIDE	Nolan Woodrow		2/17/25	☐	☑
				☐	☐
				☐	☐

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

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Tenant ⌂ Homeowner ⌂

510 Toota Court				
Lisa McKern-Caney			2/16/25	⌂ ☑
name	signature		date	

500 Toota Court				
Ethan Rueda	Ethan Rueda		2/17/25	⌂ ☑
name	signature		date	

525 Toota Court				
JERRY WESSELT.			2/17/25	⌂ ✓
name	signature		date	

535 Toota Court				
Julie Lambert			2/16/25	☑ ⌂
name	signature		date	

545 Toota Court				
~~Folks~~. Fas Lebbre	~~Folks~~		2/16/25	☑ ⌂
name	signature		date	

555 Toota Court				
				⌂ ⌂
name	signature		date	

No

565 Toota Court				
MICHAEL BROWN			2/16/25	⌂ ☑
name	signature		date	

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant Homeowner

address:	name	signature	date	Tenant	Homeowner
510 TOOTA CT	DAVID CANEY		16 FEB 25	☐	☑
545 TOOTA CT	Sabrina Fessler		16 Feb 25	☒	☐
565 TOOTA CT	Brandi Brown		2/16/25	☐	☒
584 TOOTA CT.	Deanne Peters		2/16/25	☑	☐
				☐	☐
				☐	☐
				☐	☐

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Cont

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

	name	signature	date	Tenant	Homeowner
3159 Huula Drive	James Burrell		2/11	☑	⌂
3139 Huula Drive	[illegible]	[illegible]		⌂	☑
3131 Huula Drive	Julie Urbina	Julie U	2/14/25	⌂	☒
3121 Huula Drive	Jodie Christenson		2/11/25	⌂	⌂
3111 Huula Drive	Kirsten Sacher	Kirsten Sacher	2/11/25	⌂	⌂
3105 Huula Drive				⌂	⌂
3106 Huula Drive	LOUISE STICHER	[illegible]	2/11	⌂	☒

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant Homeowner

address:	name	signature	date	⌂	⌂
	David Sacher		2/1/25	⌂	⌂
	Priscilla Encinas		2/11/25	⌂	⌂
	Hailey Young		2/11/25	⌂	⌂
3131 Huula Drive	Brett Urbina		2/14/25	⌂	⌂
				⌂	⌂
				⌂	⌂
				⌂	⌂

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant

Homeowner

3116 Huula Drive

name	signature	date		
KELLY POWELL		2/11/25	☐	☑

3126 Huula Drive

name	signature	date		
		2/11	☐	☐

3136 Huula Drive

name	signature	date		
Sondra Kuhn	Sondra Kuhn	2/11/25	☐	☑

3146 Huula Drive

name	signature	date		
	Kimberly Hoagland	2/11/25	☒	☐

3156 Huula Drive

name	signature	date		
			☐	☐

3166 Huula Drive

name	signature	date		
MICHAEL RIVERA		2/11/25	☐	☑

3170 Huula Drive

name	signature	date		
CHRISTOPHER FREE		2/11/25	☐	☐

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

address:	name	signature	date	Tenant	Homeowner
3126 Huula Dr.			2-11-25	⌂	☒
3146 Huula Dr.			2/11/2025	☒	⌂
3170 HUULA DR			2/11/2025	⌂	⌂
3170 HUULA DR	Judy Volino		2/11/2025	⌂	⌂
3194 Huula DR			2/11/25	⌂	⌂
6089 Wala Dr.			2/11/25	⌂	☒
6051 Wala Dr			2/11/25	⌂	☒

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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Tenant ⌂ Homeowner ⌂

	name	signature	date
3174 Huula Drive	Tyler Elmore		2/16/25
3178 Huula Drive	NARIS TONGRIN		2-11-25
3182 Huula Drive	Nicole Flores		2-14-25
3186 Huula Drive	Mary Gibbs		2-11-25
3194 Huula Drive	PHAM, Jeannie		2-11-25
3174 Huula Dr	Jessica Elmore		2/16/25

APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

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* Original signatures below represent residents and businesses with 1500 feet of the proposed Eddie Jones Warehouse located at 250 Eddie Jones Way in Oceanside.

address	name	signature	date	Tenant	Homeowner
3111 Hula Dr	Jordan Salmer	Jordan Salmer	2/11/25		X
3182 Hula Dr. Oceanside	Louie Cazarin	[signature]	2-14-25	X	

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APPEAL IN ACCORDANCE WITH ZONING ORDINANCE (Section 4604)

We all agree and knowingly support the attached "APPEAL OF PLANNING COMMISSION ACTION" Form and accompanying letter detailing our concerns to specific items in City of Oceanside Planning Commission's decision.

Tenant

Homeowner

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address: 609 Wala				
Emily Ramsey	Edy	2/11/25	X	
name	signature	date		
address:			⌂	⌂
name	signature	date		
address:			⌂	⌂
name	signature	date		
address:			⌂	⌂
name	signature	date		
address:			⌂	⌂
name	signature	date		
address:			⌂	⌂
name	signature	date		
address:			⌂	⌂
name	signature	date		

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Tenant

Homeowner

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* Saint Charles Priory (AKA Prince of Peace Abbey)

address: 650 Benet Hill Rd Oceanside, CA 92058				
GARY D. EWEN	Gary D Ewen	2/12/25	⌂	⌂
name	signature	date		

address: 650 Benet Hill Rd Oceanside, CA 92058				
Thomas Meyer	Thomas Meyer	2/12/25	⌂	⌂
name	signature	date		

address: 650 Benet Hill Rd Oceanside, CA 92058				
David Koch		2/12/25	⌂	⌂
name	signature	date		

address: 650 Benet Hill Rd Oceanside, CA 92058				
Dr. Christopher Sokol	Christopher Sokol	2/13/25	⌂	⌂
name	signature	date		

address: 650 Benet Hill Rd Oceanside, CA 92058				
MANUEL WINSTON QUIZON	Manuel Winston Quizon	2/13/25	⌂	⌂
name	signature	date		

address: 650 Benet Hill Rd Oceanside, CA 92058				
John Davidson		2/13/25	⌂	⌂
name	signature	date		

address: 650 Benet Hill Rd Oceanside, CA 92058				
WALTER GRAHAM		2-14-25	⌂	⌂
name	signature	date		

Residents of:
Saint Charles Priory (AKA Prince of Peace Abbey)

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Tenant / Homeowner

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~~*~~ Saint Charles Priory (AKA Prince of Peace Abbey)

address: 650 Benet Hill Rd Oceanside, CA 92058			
CW ~~Charles~~ CHARLES WRIGHT	Charles Wright	2/12/25	⌂ ●
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
SON LE	Son	2/12/25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
John L. Poutous	John L Poutous	2/12/25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
~~Chien~~ Chien-Tran CHIEN-TRAN	chientran	2/12/25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
Robert J. Vaillancourt	Robert J. Vaillancourt	2/12/25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
Joshua M. DeLaRosa		2/13/25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
DALE V BLACK	Dale V Black	2/12/25	⌂ ⌂
name	signature	date	

Residents of:
Saint Charles Priory (AKA Prince of Peace Abbey)

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Tenant

Homeowner

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~~*~~ Saint Charles Priory (AKA Prince of Peace Abbey)

address: 650 Benet Hill Rd Oceanside, CA 92058			
RONALD A CLARK	Ronald A Clark	2/12/25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
		2-12-25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
		2/12/25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
		2/12/25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
		2-12-25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
		2-12-25	⌂ ⌂
name	signature	date	

address: 650 Benet Hill Rd Oceanside, CA 92058			
		2-12-25	⌂ ⌂
name	signature	date	

Residents of:
Saint Charles Priory (AKA Prince of Peace Abbey)

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Tenant Homeowner BUSINESS

address:	name	signature	date	
EYNON LEASING LLC. 600 Airport Rd Oceanside 92058	STEPHEN EYNON		3/13/25	
3207 Raymar Rd Ste A 92058	Josh Soto		2/15/25	

Eynon Management
O: 760.529.9931
F: 760.547.7519
600 Airport Road
Oceanside, CA 92058
eynonweed@eynonweed.com
www.eynonweed.com

BOARSNEST CHOPPERS
BoarsNestChoppers.com
info@BoarsNestChoppers.com
4294
760-757-HAWG
3207 Roymar Rd. Suite A
Oceanside, CA 92058

Businesses