RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2025-P05 CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM AND UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2025-P04 APPROVING A DEVELOPMENT PLAN (D22-00001), CONDITIONAL USE PERMIT (CUP22-00001) AND VARIANCE (V22-00001) TO ALLOW THE CONSTRUCTION OF A WAREHOUSE, MANUFACTURING, AND OFFICE FACILITY CONSISTING OF FOUR SEPARATE BUILDINGS RANGING IN SIZE FROM 109,660 SQUARE FEET TO 134,015 SQAURE FEET WITH A CUMULATIVE TOTAL OF 497,822 SQUARE FEET AND 34 TRUCK BAYS DISTRIBUTED AMONG THE FOUR BUILDINGS ON A 31.79-ACRE SITE LOCATED AT 250 EDDIE JONES WAY (APNs: 145-021-29, 30, & 32)

(RPG Oceanside Eddy Jones Way Owner LLC – Applicant)
(Gretchen Gary on behalf of Oceanside Speaks Out -Appellant)

WHEREAS, applicant RPG Oceanside Eddy Jones Way Owner LLC filed a verified petition on the forms prescribed by the Planning Commission for approval of a Development Plan, Conditional Use Permit, and Variance to allow the construction of a warehouse, manufacturing, and office facility consisting of four separate buildings with a cumulative total of 497,822 square feet and 56 truck bays known as the Multi-Building and Truck Bay Reduction Alternative (MBTRA) on a 31.79-acre site; and

WHEREAS, an Environmental Impact Report (EIR) was prepared and circulated for this project in accordance with the California Environmental Quality Act (CEQA) (SCH No: 2022070365) and described the potential impacts of the MBTRA; and

WHEREAS, the Planning Commission, after giving the required notice, did on the 10th day of February, 2025 conduct a duly advertised public hearing as prescribed by law to consider the application; and

WHEREAS, following consideration of all applicable testimony and evidence and deliberation, the Planning Commission, by a 7-0 vote, adopted Resolution No. 2025-P05 certifying the Final EIR (FEIR) and adopting the Findings of Fact and Mitigation Monitoring and Reporting Program ("MMRP"); and adopted Resolution No. 2025-P04 approving Development Plan (D22-

00001), Conditional Use Permit (CUP22-00001), and Variance (V22-00001) with an amendment to Condition 1b and Condition 11 to reduce the maximum number of truck bays from 56 to 34 bays with a caveat that truck bays can be allocated between any of the four buildings at the discretion of the applicant; and

WHEREAS, on February 20, 2025, a timely appeal of the Planning Commission's approval of said project was filed with the City Clerk; and

WHEREAS, on May 2, 2025, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the Planning Commission's certification of the FEIR and approval of the Development Plan (D22-00001), Conditional Use Permit (CUP22-00001), and Variance (V22-00001); and

WHEREAS, based on such evidence, testimony, and staff reports, this Council makes the findings of fact as set forth in Planning Commission Resolution Nos. 2025-P05 and 2025-P04 as attached hereto as Exhibit "A" and Exhibit "B", and incorporates them by reference as if fully set forth herein;

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

1. The City Council affirms the Planning Commission's actions of February 10, 2025 and upholds the certification of the FEIR and adoption of CEQA Findings of Fact and MMRP, and upholds the approval of Development Plan (D22-00001), Conditional Use Permit (CUP22-00001), and Variance (V22-00001). The appeal of Planning Commission Resolution Nos. 2025- P05 and 2025-P04 is denied.

2. Notice is hereby given that the time within which judicial review must be sought on this decision is governed by Code of Civil Procedure Section 1094.6(b) as set forth in Oceanside City Code Section 1.10 and Public Resources Code Section 21167.

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PASSED and ADOPTED by the City Council of the City of Oceanside, California this ____day of _____, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Oceanside

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

_____
City Attorney

4.02 ATTACHMENT 2

PLANNING COMMISSION
RESOLUTION NO. 2025-P05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE FINDINGS OF FACT AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE EDDIE JONES WAREHOUSE, MANUFACTURING AND DISTRIBUTION FACILITY PROJECT (STATE CLEARINGHOUSE NO. 2022070365)

APPLICATION NO:	D22-00001, CUP22-00001 & V22-00001
APPLICANT:	RPG OCEANSIDE EDDY JONES WAY OWNER, LLC
LOCATION:	250 EDDIE JONES WAY (APN: 145-021-29, 30 & 32)

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, on January 31, 2022, an application was filed by RPG Oceanside Eddie Jones Way Owner LLC for the construction of a new 566,905 square-foot warehouse and distribution facility on a 31.79-acre site at 250 Eddie Jones Way ("proposed project");

WHEREAS, the Project application was submitted to, and processed by, the City of Oceanside Planning Division as a concurrent application for a Development Plan (D22-00001), Conditional Use Permit (CUP22-00001), and Variance (V22-00001); and

WHEREAS, in conjunction with consideration of the Project application described above, and in accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (SCH No.: 2022070365) was prepared for the project;

WHEREAS, the Draft Environmental Impact Report (DEIR) was circulated for a 45-day public and agency review from October 26, 2023 to December 9, 2023 and proper notification was given in accordance with CEQA; and

WHEREAS, following the close of the public comment period on the DEIR, a Final Environmental Impact Report (FEIR) was prepared for the Project; and

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WHEREAS, Chapter 8, Alternatives, of the Final EIR describes the potential impacts of the Multi-Building and Truck Bay Reduction Alternative ("MBTRA"), this alternative has reduced or similar less than significant impacts, with mitigation, to the proposed project.

WHEREAS, the Planning Commission did on the 10th day of February 2025 conduct a duly advertised public hearing on the content of the FEIR, Findings of Fact, and Mitigation Monitoring and Reporting Program (MMRP) for the MBTRA project; and

WHEREAS, the Findings of Fact and MMRP are appended to this resolution as Exhibit A and B, respectively; and

WHEREAS, studies and investigations made by this Commission and on its behalf reveal the following facts:

For the Final Environmental Impact Report:

1. The FEIR, Findings of Fact, and MMRP for the MBTRA project were completed in compliance with the provisions of CEQA.
2. There are certain significant environmental effects detailed in the FEIR and MMRP which have been avoided or substantially lessened by the establishment of measures which are detailed in Exhibit "B" Mitigation and Monitoring and Reporting Program.
3. The FEIR, Findings of Fact, and MMRP for the MBTRA project were presented to the Planning Commission, and the Planning Commission reviewed and considered the information contained in these documents prior to making a decision on the project.
4. The FEIR, Findings of Fact, and MMRP prepared for the MBTRA project have been determined to be accurate and adequate documents, which reflect the independent judgment of the City.

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NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Planning Commission hereby certifies the Final Environmental Impact Report (SCH No. 2022070365) for the MBTRA project.
2. Pursuant to Public Resources Code Section 21081, the Planning Commission hereby adopts the Findings of Fact (Exhibit A) for the MBTRA project.
3. Pursuant to Public Resources Code Section 21081.6, the Planning Commission hereby adopts the MMRP (Exhibit B) and finds that the MMRP meets the requirements of Public Resources Code section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the MBTRA project and designed to ensure compliance with the mitigation measures throughout the implementation of the MBTRA project.

PASSED AND ADOPTED Resolution No. 2025-P05 on February 10, 2025 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Tom Morrisey, Chairperson
Oceanside Planning Commission

ATTEST:

_____

Sergio Madera, Secretary

I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2025-P05.

Dated: February 10, 2025

FINDINGS OF FACT REGARDING SIGNIFICANT EFFECTS PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15090 AND 15091

Eddie Jones Project

SCH No. 2022070365

February 2025

Final EIR SCH No. 2022070365

D22-00001, V22-00001, CUP22-00001

I. INTRODUCTION

The City of Oceanside ("City") Planning Commission hereby certifies that the Planning Commission has reviewed and considered the information contained in the Final Environmental Impact Report ("Final EIR"), identified below, for the Eddie Jones Warehouse, Manufacturing and Distribution Facility Project. The Planning Commission further certifies that the Final EIR has been completed in compliance with the California Environmental Quality Act ("CEQA"), Public Resources Code §§21000 et seq., the State CEQA Guidelines, California Code of Regulations, Title 14, §§15000 et seq. ("CEQA Guidelines"), and City requirements, and that the Final EIR reflects the independent judgment of the Planning Commission (Pub. Resources Code § 21082.1(c)(3). In certifying the Final EIR as adequate under CEQA, the Planning Commission hereby adopts these CEQA Findings.

These findings are made pursuant to CEQA, specifically Public Resources Code sections 21081, 21081.5, and 21081.6; and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), specifically section 15091. The potentially significant effects of the project were identified in both the Eddie Jones Warehouse, Manufacturing and Distribution Facility Project Draft EIR (October 2023) and Final EIR (November 2024). Public Resources Code section 21081 and State CEQA Guidelines section 15091 require that the lead agency, in this case the City of Oceanside, prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Specifically, State CEQA Guidelines section 15091 states, in part, that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

If significant impacts cannot be mitigated to less than significant levels, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its significant unavoidable environmental impacts when determining whether to approve the project. (Pub. Resources Code, § 21081, CEQA Guidelines § 15093.) If the benefits of a proposed project outweigh the significant unavoidable adverse environmental impacts, the adverse effects may be considered "acceptable."

Chapter 4, Environmental Analysis, of the Final EIR describes the potential environmental impacts of the proposed project, a development of an approximately 566,905 square- foot warehouse and distribution facility on the approximately 31.79-acre project site located north of Eddie Jones Way and the Oceanside Municipal Airport, east of Benet Road, south of the San Luis Rey River and a recreational trail, and west of vacant light industrial land ("project" or "proposed project"). Chapter 8, Alternatives, of the Final EIR describes the potential impacts of the Multi-Building and Truck Bay Reduction Alternative ("MBTRA"), this alternative has reduced or similar less than significant impacts, with mitigation, to the proposed project.

Therefore, in accordance with CEQA, Pub. Resources Code, § 21081, and the CEQA Guidelines, section 15091, the Planning Commission certifies the Final EIR for the MBTRA, adopts these findings, and the Mitigation Monitoring and Reporting Plan ("MMRP"), and approves the MBTRA project. In adopting the MMRP, the Planning Commission finds that the MMRP meets the requirements of Public Resources Code section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the MBTRA. Therefore, these findings concern the MBTRA and make the CEQA required determinations as it relates to that alternative to the proposed project.

The Planning Commission further, based on separate findings, adopts the following related project approvals to facilitate implementation and development of the MBTRA: (i) Development Plan; (ii) Conditional Use Permit; and (iii) Variance.

II. ORGANIZATION/FORMAT/NATURE OF FINDINGS

In compliance with the statutory requirements, these findings are organized as follows:

1. Introduction to the CEQA Findings and Facts in Support of Findings for Final Eddie Jones Warehouse, Manufacturing and Distribution Facility Project EIR.

2. Description of the MBTRA, including an overview of the discretionary actions required for the MBTRA approval and a statement of the Project Objectives.

3. Findings regarding the environmental impacts that were determined as a result of the Initial Study, Notice of Preparation ("NOP"), and consideration of comments received during the NOP comment period, that were assessed as having no impact.

4. Findings regarding potentially significant or significant effects identified in the Final EIR which the City has determined, after application of applicable development requirements or feasible mitigation measures identified in the Final EIR, are less than significant.

5. Findings regarding project alternatives.

Each category that discusses the MBTRA's environmental impacts identifies the significance of the effects; development requirements and mitigation measures relevant to the specific effects being considered; and the findings and facts in support of those findings.

Any finding made by the City shall be deemed made, regardless of where it appears in this document or elsewhere in the record of proceedings. All of the language included in this document constitutes findings by the City, whether or not any particular sentence or clause includes a statement to that effect. The City intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

III. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the MBTRA consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the City in conjunction with the EIR and the City approval process.
- The Draft EIR including all technical appendices.
- All written comments submitted by agencies or members of the pubic during the public review comment period (or otherwise) on the Draft EIR.
- The Responses to Comments received on the Draft EIR.
- The Mitigation Monitoring and Reporting Program.
- The Staff Report and related materials, written correspondence submitted to the City regarding the MBTRA, Draft EIR or Final EIR, prepared resolutions adopted by the City of Oceanside in connection with the MBTRA and other project approval documents including conditions of approval.
- Matters of common knowledge to the City, including but not limited to federal, State, and local laws and regulations.
- Any documents expressly cited in these Findings, the Draft EIR or Final EIR.

- Any other relevant materials required to be in the record of proceedings by Section 21167.6(e) of the California Public Resources Code.
- The Final EIR.

IV. LOCATION AND CUSTODIAN OF DOCUMENTS

The official custodian of the documents and other materials that constitute the record of proceedings upon which the City's decision is based is identified as follows:

City of Oceanside Development Services Department
300 North Coast Highway
Oceanside, California 92054

This information is provided in compliance with Section 21081.6(a)(2) of the *California Public Resources Code* and with the *California Code of Regulations,* Title 14, Chapter 3, Section 15091(e).

V. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

A. Notice of Preparation and Scoping Meeting

CEQA establishes mechanisms to inform the public and decision makers about the nature of a proposed project and the extent and types of impacts that the proposed project and alternatives would have on the environment should the proposed project or an alternative be implemented. Pursuant to CEQA Guidelines Section 15082, the City circulated a Notice of Preparation (NOP), published July 20, 2022, to interested agencies, organizations, and parties. The NOP was also sent to the State Clearinghouse at the California Office of Planning and Research. The State Clearinghouse assigned a state identification number (SCH No. 2022070365) to the EIR.

The NOP is intended to encourage interagency communication regarding the proposed action so that agencies, organizations, and individuals are afforded an opportunity to respond with specific comments and/or questions regarding the scope and content of the EIR. A public scoping meeting was held on August 3, 2022, at 6:00 p.m. at the Civic Center Library Community Room, located at 300 North Coast Highway in the City of Oceanside to gather additional public input. The 30-day public scoping period ended on August 18, 2022.

Comments received during the NOP public scoping period were considered as part of the preparation of the EIR. The NOP and written comments are included in Appendix A to the Final EIR. Comments covered numerous topics, including site access and circulation, utility infrastructure and supply, traffic generation and roadway improvements, air quality, greenhouse gas emissions, noise generation, aesthetics and project design, safety, project hazards, community benefits, local hiring, construction work practices, and preservation of biological and cultural resources. Public scoping

comments regarding the project's potential impact on the environment were evaluated as part of the preparation of the Draft EIR.

B. Draft EIR and Public Review

The Draft EIR was prepared under the direction and supervision of the City. Public review of the Draft EIR was intended to focus "on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated" (14 CCR 15204). The Notice of Completion of the Draft EIR was filed with the State Clearinghouse as required by CEQA Guidelines Section 15085. In addition, the Notice of Availability of the Draft EIR was distributed pursuant to CEQA Guidelines Section 15087. Interested parties could provide comments on the Draft EIR in written form. The Draft EIR and related technical appendices were available for review during the extended 60-day public review period, from October 26 to December 29, 2023, at the following locations:

City of Oceanside Development Services Department
300 North Coast Highway
Oceanside, California 92054

City of Oceanside Public Library – Civic Center
330 North Coast Highway
Oceanside, California 92054

City of Oceanside Public Library – Mission Branch
3861-B Mission Avenue
Oceanside, California 92508

City of Oceanside website:
https://www.ci.oceanside.ca.us/gov/dev/planning/ceqa/default.asp

Interested agencies and members of the public submitted written comments on the adequacy of the Draft EIR to the City's Development Services Department.

VI. RESPONSES TO COMMENTS

During the public review period, the City of Oceanside received a total of 80 comment letters from State and local agencies, organizations, and individuals on the Draft EIR. Written responses have been prepared to all comments received during the comment period (Final EIR Appendix P).

In response to comments received, the MBTRA was included as an additional project alternative in addition to those included in the Draft EIR and various clarifications, minor modifications and additions of amplifying information have been made to the text, tables, and exhibits of the Draft EIR, as set forth in the Final EIR. These revisions do not qualify as significant new information.

Rather, the changes address comments made regarding the Draft EIR, correct typographical errors, expand upon information presented in the Draft EIR, explain or enhance the evidentiary basis for the determinations made in the Draft and Final EIR, update information and otherwise make clarifications, amplifications or other useful revisions to the Draft EIR.

The City finds that the modifications made in the Final EIR do not constitute significant new information requiring recirculation but rather, the information merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR. Specifically, the City finds that the additional information (including the changes described above), does not show that any of the following would occur:

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

In summary, the City hereby finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the EIR.

In compliance with Section 15088(b) of Title 14 of the California Code of Regulations (CEQA Guidelines), the City has met its obligation to provide written Responses to Comments to public agencies at least ten days prior to certifying the Final EIR.

The Final EIR was released on January 10th, 2025, and posted on the City's website.

VII. PROJECT LOCATION, DESCRIPTION, OBJECTIVES, AND APPROVALS

A. MBTRA Location

The approximately 31.79-acre site is located north of Eddie Jones Way and the Oceanside Municipal Airport, east of Benet Road, south of the San Luis Rey River and a recreational trail, and west of vacant light industrial land within the City of Oceanside (City), in the northwestern portion of San Diego County (County). The property is approximately 650 to 900 feet north of State Route 76, and approximately 140 feet north of the Oceanside Municipal Airport runway. The property is also

connected to the terminus of Alex Road in the northeast corner. The site is composed of Assessor's Parcel Numbers 145-021-29-00, 145-021-030-00, and 145-021-032-00.

The property is a vacant, disturbed site that was previously occupied by four primary buildings and five ancillary building that were formerly used for industrial purposes. Decommissioning of those operations started in 2016, and operations completely ceased in 2020. The industrial buildings were vacated in summer 2021 and demolished in 2022.

The property is zoned Limited Industrial (IL), corresponding with the City of Oceanside's General Plan designation of Light Industrial (LI). Areas surrounding the property are zoned Limited Industrial (to the south, east, and west), Open Space (OS) (San Luis Rey River corridor adjacent north of the project site) and residential zones, including RS (Single-Family Residential District) and RM-A (Medium Density A District), located north of the off-site San Luis Rey River.

B. MBTRA Project Description

The Final EIR includes the MBTRA as one of the reasonable range of alternatives analyzed in the CEQA document. The City decided to approve that alternative as the Preferred Project based on the evaluation in the Final EIR and in light of the comments received during the public review of the Draft EIR and other relevant information considered by the City's decision makers.

With a building footprint of 491,582 SF, the MBTRA's buildings are smaller than the single project building. The MBTRA would develop four (4) separate buildings on-site, instead of one building as proposed under the project. The total building square footage of this alternative would be 497,822 SF (inclusive of mezzanine areas), including 40,651 SF of office (ancillary) use, 334,275 SF of warehouse uses, and 122,896 SF of manufacturing uses compared to the project's 566,905 SF. The total building area for building 1 would be 109,660 SF, the total building area for building 2 would be 132,600 SF, the total building area for building 3 would be 121,547 SF, and the total building area for building 4 would be 134,015 SF. This MBTRA would include 56 dock-high doors, and 593 parking stalls which include 22 ADA stalls and 90 EV stalls. In response to public comments, in addition to the reduction in the number of truck bays compared to the project, the design of the MBTRA places the truck bays on the east/west sides of the buildings as opposed to the north side with the project.

Similar to the proposed project, access for the MBTRA 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. The Alex Road access would be limited to passenger vehicles. Heavy truck traffic would not use Alex Road and would be limited to the Benet Road access point. The Benet Road entry has also been redesigned to incorporate a dedicated right-turn lane into the site to better serve truck traffic in a lane separate from the north-bound travel lane of Benet Road.

Similar to the proposed project, the MBTRA would include associated landscaping and stormwater features. Like the project, the MBTRA would maintain a 100-foot buffer from the edge of the San Luis Rey River consistent with the City of Oceanside draft Subarea Plan (SAP). Although the San Luis Rey River Trail and embankment run through the buffer area forming a hard boundary between the property and the river habitat areas, like the project, the MBTRA structures and parking/circulation areas have been designed and located to specifically avoid the biological and planning buffers. The portion of the 100-foot-wide buffer area located on site would be replanted with native coastal plant species.

Additionally, the MBTRA would incorporate required building setbacks and airspace height limits established by, and otherwise be consistent with, the Oceanside Municipal Airport Land Use Compatibility Plan (OMALUCP). The southernmost portions of each of the four (4) MBTRA's proposed buildings have reduced clearance heights to conform to the OMALUCP. The MBTRA's buildings, parking and circulation areas are designed to avoid the Runway Protection Zone (RPZ), which extends across the southwest corner of the property.

Similar to the proposed project, the MBTRA proposes a Development Plan to authorize the complete redevelopment of the property with the uses described in these findings. The MBTRA requires approval of a Conditional Use Permit, just like the project, because it proposes a wholesaling, warehouse and distribution facility that exceeds 50,000 square feet in floor area. Like the project, the MBTRA also requires a Conditional Use Permit because it proposes more than six heavy trucks on the premises at one time. The MBTRA, like the project, requires a variance to allow small height increases for portions of the flood wall that will surround development on the property.

The property is currently served by the existing network of nearby roads, including Alex Road, Eddie Jones Way, Benet Road, Foussat Road, and Highway 76. Primary access to the site is currently provided via Alex Road on the east side, with a secondary access point to Benet Road on the west. Like the project, the MBTRA would improve those access points to full commercial driveway standards. Tractor/trailer/truck ingress/egress would be designated for and limited to the Benet Road access drive. Benet Road connects directly to Highway 76, located approximately 1,000 feet southwest of the site. Alex Road connects the project site to Highway 76 via Foussat Street, located southeast of the site. Highway 76 provides a direct route to Interstate 5 located approximately 1.7 miles to the west.

Similar to the project, internal circulation for the MBTRA would consist of a system of vehicular drives and pedestrian walkways providing access around the buildings and serving parking areas throughout the site. Each of the buildings would be adjacent to at least one drive aisle designed at a 35-foot minimum width to provide for required fire department access adjacent to the buildings that will be 45-feet-high or less.

As proposed for the project, the MBTRA would connect to the existing sidewalk system in the area and improve pedestrian connections to surrounding properties. A sidewalk is proposed from the

access on Alex Road north to connect with the San Luis Rey River Trail right-of-way (a distance of approximately 50 feet). Like the project, the MBTRA would also proposes to construct a sidewalk along the project frontage on Benet Road from Eddie Jones Way, north to the San Luis Rey River access path (a distance of approximately 600 feet).

Water and sewer facilities are connected to the site already because of the previous industrial use and the MBTRA will connect to and utilize those existing facilities. Similar to the project, the MBTRA site design includes a new storm water conveyance system on-site, which would consist of ribbon gutters, curb and gutter, and a detention vault system. The vault system incorporates modular wetlands for treatment and a force main pump to convey storm water to the existing storm drain located in Benet Road and into an existing storm water structure to the northwest side of the site which drains to the San Luis Rey River Basin. The MBTRA would connect to existing dry utilities serving the property. Electricity and natural gas would be provided by San Diego Gas and Electric (SDG&E). The MBTRA, like the project, would connect to existing electrical lines and natural gas pipeline within existing roadways adjacent to the property.

Like the proposed project, the MBTRA would generally maintain the existing grades and landform of the property. The San Luis Rey levee embankment and Benet Road right-of-way are elevated approximately 8-12 feet above the MBTRA grades and building pad elevations maintaining a berm effect around the northern and western edges of the property. Approximately 60,000 cubic yards of raw cut and 40,000 cubic yards of raw fill would be required for the site development, resulting in a net export amount of 20,000 cubic yards.

Similar to the proposed project, the MBTRA proposes to construct a flood wall around the perimeter of the site, wrapping the parking area, to flood-proof the property. The flood wall will be designed as a solid decorative masonry block wall system, to be constructed around the perimeter of the site's graded pad area. An existing base flood elevation (BFE) of 34.0' is shown for the site and the flood wall design provides a consistent top of wall elevation (TW) of 35.5'. Exterior facing elevations for the flood wall along the majority of the site perimeter will range in height from approximately 7.9' to 9.9' above the exterior grade. Interior facing flood wall elevations will extend up to approximately 9.5' in height. With the approval of the requested Variance, the proposed flood wall heights are permitted.

The MBTRA would implement, same as the project, both construction-related and operational project design features (PDFs) that help avoid or reduce the potential for significant impacts. Those PDFs, which are incorporated by reference into the MMRP and the conditions of approval, include:

> DF-AQ-1: Require the cargo handling equipment including forklifts (forklifts and pallet jacks) and yard tractors for facility operation to be electric powered operation.
>
> PDF-AQ-1: Standard construction practices that would be employed to reduce fugitive dust emissions include watering of the active sites two times per day, depending on weather

conditions. Construction of Project components would be subject to SDAPCD Rule 55 – Fugitive Dust Control. Compliance with Rule 55 would limit fugitive dust that may be generated during grading and construction activities.

PDF-AQ-3: The applicant will incorporate the following applicable California Department of Justice Warehouse Project Best Practices measures as part of project construction and operation:

- 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 3 minutes.
- Keeping on site 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 grams per liter.
- Providing information on transit and ridesharing programs and services to construction employees.
- Forbidding trucks from idling for more than 3 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 the California Air Resources Board (CARB), the local air district, and the building manager.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- 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% or providing a secondary electrical room to accommodate future expansion of electric vehicle (EV) charging capability.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

- Posting signs at every truck exit driveway providing directional information to the truck route.
- 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 requiring 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 U.S. 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.

PDF-GHG-1: Photo-voltaic (PV) systems will be installed on the building to meet 50% of forecasted electricity demand, consistent with the City of Oceanside Climate Action Plan (CAP).

PDF-GHG-2: The applicant will participate in one of SDG&E's services for non-residential development such as the Comprehensive Audit Program or the Facility Assessment Service Program, no sooner than 1 year and no later than 2 years after initial building occupancy.

C. Project Objectives

Section 15124(b) of the CEQA Guidelines requires that an EIR include a statement of the project objectives that "include[s] the underlying purpose of the project and may discuss the project benefits." The Draft EIR included the following objectives:

1. Redevelop an existing industrial land use that is already served by existing utilities, services, and street access, and within close proximity to existing transportation infrastructure.

2. Develop an employment-generating project that is consistent with the existing Light Industrial (LI) General Plan land use designation and Limited Industrial (IL) zoning designation for the property.

3. Maximize the allowable use of an existing industrial zoned site that is compatible with the adjacent light industrial zoned sites and Oceanside Municipal Airport.

4. Create a project that takes advantage of and enhances existing infrastructure, including the proximity to major regional transportation infrastructure such as State Route 76 and the Oceanside Municipal Airport.

5. Fulfill a demand for industrial and manufacturing uses in the City.

6. Ensure that siting and design of development adjacent to the San Luis Rey River corridor does not encroach upon the natural river habitat and considers floodplain management.

7. Develop the property in a manner that complies with the development, intensity, noise, use and other restrictions imposed by the Oceanside Municipal Airport Land Use Compatibility Plan.

VII. ENVIRONMENTAL IMPACTS FOUND TO BE NOT SIGNIFICANT

Pursuant to CEQA and the State CEQA Guidelines, the City as the lead agency under CEQA is responsible for certification of the EIR and, as reflected in this document and the record of proceedings, has made the following findings:

1. The Planning Commission has reviewed and considered the information in the Final EIR, which has been completed in compliance with CEQA;

2. The Final EIR reflects the City's, as lead agency, independent judgment and analysis; and,

3. The Planning Commission adopts the Mitigation Monitoring and Reporting Program (Attachment A) to reduce or avoid the significant and mitigable impacts of the project.

Section I Environmental Effects For Which the MBTRA Would Have No Impact

State CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR evaluates and identifies as "no impact". The City finds that, based upon substantial evidence in the record, the following impacts associated with the MBTRA would have no impact without the implementation of mitigation measures in the following resource areas, pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a).

Environmental Resource Category	***Not Significant Environmental Impact***
Aesthetics *(EIR Section 4.1)*	• No impact. The MBTRA would not substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. • No impact. The MBTRA would not cause cumulatively considerable impacts on aesthetics.
Agricultural and Forest Resources *(EIR Chapter 5.1)*	• No impact. The MBTRA would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared

Environmental Resource Category	*Not Significant Environmental Impact*
	pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses. • No impact. The MBTRA would not conflict with existing zoning for agricultural use, or a Williamson Act contract. • No impact. The MBTRA would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) • No impact. The MBTRA would not result in the loss of forest land or conversion of forest land to non-forest use. • No impact. The MBTRA would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. • No impact. The MBTRA would not cause cumulatively considerable impacts on agricultural resources.
Cultural Resources *(EIR Section 4.4)*	• No Impact. The MBTRA would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.
Geology and Soils *(EIR Section 4.6)*	• No Impact. The MBTRA does not include or require the use of septic tanks or alternative wastewater disposal systems. Therefore, the MBTRA would have no impact related to the use of septic tanks or alternative wastewater.
Mineral Resources	• No impact. The MBTRA would not result in the loss of availability of a known

Environmental Resource Category	*Not Significant Environmental Impact*
(EIR Chapter 5.2)	mineral resource that will be of value to the region and the residents of the state. • No impact. The MBTRA would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. • No impact. The MBTRA would not cause cumulatively considerable impact to mineral resources.
Recreation *(Section 5.3)*	• No Impact. The MBTRA would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. • No Impact. The MBTRA would not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

Section II Less Than Significant Environmental Effects Without Mitigation

This section makes findings regarding the potential effects of the MBTRA that were determined to be less than significant under both a project-level and cumulative impacts evaluation. The thresholds identified in the discussions below are the thresholds of significance identified in the CEQA Guidelines and used in Final EIR. Though no mitigation measures are required, the findings below of less than significant impacts rely on the nature of the project, PDFs, compliance with laws or other requirements incorporated into or applicable to the MBTRA. For the reasons described in more detail below, the City hereby finds that the MBTRA would have less than significant impacts without the implementation of mitigation measures in the following resource areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Traffic and Circulation, Utilities and Service Systems, and Wildfire. Analysis of the individual findings is set forth below and the record of proceedings includes the substantial evidence supporting the findings.

AESTHETICS

Threshold of Significance:

- Would the project have a substantial adverse effect on a scenic vista?

The MBTRA, like the project, is located on a property adjacent to the Oceanside Municipal Airport and near the SR-76 and other urban and industrial uses. The property is within the public viewshed of the San Luis Rey River and its associated recreational trail, which is the primary visual open space resource adjacent to the site. The property, while not identified on the City's list of visual open space or natural aesthetic resources, lies in proximity to other scenic resources in the area. The San Luis Rey River corridor is largely obscured by heavy vegetation along its banks, which prevents direct views of the river from the property. The proposed multi-building layout, which includes four separate buildings rather than a single large structure, would not have a substantial adverse effect on views from public vantage points of any qualifying scenic vistas north of the property such as the Prince of Peace Abbey (St. Charles Priory) or the river. Similar to the project, the MBTRA would not interfere with existing public access to the river trail or obstruct any designated public views of the river or other designated scenic vistas.

The visual impact of the MBTRA is anticipated to be similar to the project, as it would maintain the same 100-foot buffer from the San Luis Rey River riparian habitat consistent with the draft Subarea Plan, ensuring that no development occurs within this area. The design of the MBTRA, with buildings situated along the eastern and western sides of the site, would be consistent with the surrounding land uses. Furthermore, the proposed landscaping and stormwater features would help avoid any potential visual impacts by introducing additional greenery and enhancing the overall site appearance. Therefore, impacts would be less than significant as the MBTRA would not have a substantial adverse effect on a designated scenic vista.

Threshold of Significance:

- In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Like the project, the MBTRA would be located within the urbanized area of the City of Oceanside, which, as defined by California Public Resources Code Section 21071, as an area with a population exceeding 100,000. The site is zoned Limited Industrial (IL), consistent with the City's General Plan designation of Light Industrial (LI). The proposed MBTRA would comply with the City's zoning regulations, including those governing scenic quality, and would be subject to the City's approval of necessary entitlements, such as a Conditional Use Permit and a Development Plan.

The project site is bordered by the Oceanside Municipal Airport to the south, undeveloped industrially designated land to the east, Benet Road to the west, and the San Luis Rey River Trail and river corridor to the north, with residential uses beyond the river. The site is disturbed, but currently vacant, due to the prior industrial use. The MBTRA would include four separate buildings rather than a single structure, resulting in a total building area of 497,822 square feet. As outlined in Table 4.10-2 in Section 4.10, Land Use, of the Final EIR, the project would be in conformance with all General Plan policies related to visual impacts and site design. Consistent with General Plan Land Use Objectives 1.2. and 2.3, and their implementing policies, and Section 3003 of the Municipal Code regulating the scenic quality of exterior materials, the MBTRA would incorporate similar architectural elements as the project, including modern industrial design features such as concrete tilt-up panels, horizontal and vertical reveals, and large window elements to add visual interest to the building facades. These design elements would serve to break up the mass of the buildings and reduce the visual bulk of the structures as viewed from surrounding areas. Color variations, vertical undulations, and canopy elements would further contribute to reducing the appearance of the building's scale and enhance the visual aesthetic.

Consistent with City regulations, native and drought tolerant landscaping would be incorporated to complement the design of the buildings and soften the overall visual impact of the development. Tree and shrub plantings would be strategically placed to enhance the visual quality of the site and screen the perimeter edges. Landscaping along the Benet Road and Alex Road frontages would provide upgraded streetscapes and improve the MBTRA's visual integration with the surrounding area. In addition, a 100-foot-wide biological buffer from the San Luis Rey River, consistent with the City of Oceanside's Draft Subarea Plan, would be maintained and replanted with native coastal species. This buffer would serve as a natural visual boundary between the MBTRA and the river corridor.

The MBTRA would adhere to all other relevant zoning and scenic quality regulations, and its architectural design, landscaping, lighting and integration with the surrounding environment would ensure that visual impacts remain less than significant. For example, the MBTRA must comply with Chapters 31, including Section 3117, and 39 of the City's Municipal Code and Building Code requirements that require all outdoor lighting installed as part of the MBTRA be energy efficient, fully shielded, and directed downward to minimize light trespass onto surrounding properties. Therefore, the MBTRA would not conflict with applicable zoning and other regulations governing scenic quality and impacts would be less than significant.

Threshold of Significance:

- Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The MBTRA would introduce similar lighting and glare characteristics to the project. The surrounding area is already affected by lighting from nearby industrial, commercial, and residential

developments. The MBTRA would re-introduce lighting for security, landscaping, building façades, and internal circulation to an urbanized area with existing sources of day and nighttime lighting, including the Oceanside Municipal Airport.

The lighting for the MBTRA would comply with all applicable regulations, including Chapter 39 of the City Municipal Code and Title 24, Part 11 of the 2022 California Green Building Standards Code (CALGreen), to ensure energy efficiency and proper shielding to minimize light trespass and glare. The lighting design would ensure that all fixtures are directed downward and shielded to prevent light spill onto adjacent properties. Consistent with the project, lighting would be turned off during daylight hours to further reduce unnecessary light emissions. Additionally, a perimeter wall and landscape buffer along the northern edge of the site would reduce light intrusion into sensitive areas, such as the San Luis Rey River and nearby residential communities. Based on the MBTRA as proposed, and required compliance with the City's Municipal Code and CALGreen, would not create a source of substantial light that would adversely affect day or nighttime views.

Regarding potential glare, the MBTRA would follow similar design principles as the project. The MBTRA would not include large expanses of glass or highly reflective materials that could generate significant glare during daytime hours. The façade design would incorporate color variations, vertical undulations, and materials that minimize glare. Glass used in the building would be tempered and designed to comply with the relevant glazing standards, which would further reduce the potential for substantial glare. The landscape plan would include tree plantings that help minimize glare effects and provide further screening. Additionally, the MBTRA would include the use of photovoltaic (solar) panels, similar to the project. Solar panels, by design, absorb light, not reflect it, and would be positioned to minimize glare at acute angles. Given that fact, along with the MBTRA's required compliance with the ALUCP, the MBTRA would not create a new source of substantial glare that would adversely affect day or nighttime views in the area. Therefore, the MBTRA would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area and impacts would be less than significant.

Cumulative Impact:

Cumulative aesthetic impacts are assessed based on the viewshed, or area from which the development and surrounding developments are visible. The MBTRA would alter the visual character of the 31.79-acre site by developing four smaller buildings totaling 497,822 square feet, compared to the project's single large building. Visual changes would be most noticeable to nearby residents, trail users, motorists, and from the Oceanside Municipal Airport, but the MBTRA would remain consistent with surrounding industrial and urban development. The MBTRA, like the project, is not located within the public viewshed of any scenic open space areas, except the San Luis Rey River corridor, where existing views are limited by vegetation. The MBTRA would not obstruct these views. The Ocean Kamp project, located just east of the site, would introduce additional visual changes to the area, but both projects would fit within the surrounding industrial, commercial, and

residential landscape. Like the project, other cumulative projects and the MBTRA's smaller buildings and reduced truck bays would not conflict with applicable zoning and other regulations governing scenic quality. Similar to the project, the MBTRA has undergone the City's design review process to ensure compatibility with surrounding land uses, including landscaping and building design. The MBTRA would introduce some light and glare, but like all cumulative projects, would avoid the potential for significant impacts through compliance with applicable laws including the City's light pollution regulations. The MBTRA would not contribute to cumulatively considerable aesthetic impacts as disclosed in Final EIR and elsewhere in the record of proceedings.

AIR QUALITY

Threshold of Significance:

- Would the project conflict with or obstruct implementation of the applicable air quality plan?

Like the project, the MBTRA would be consistent with the applicable air quality plans and would not conflict with or obstruct their implementation. Like the project, the MBTRA is located within the City of Oceanside's Industrial land use designation, which allows for a variety of industrial uses, including warehouses and manufacturing facilities. This zoning is consistent with regional growth projections and air quality planning documents, including the San Diego Air Pollution Control District (SDAPCD) and the San Diego Association of Governments (SANDAG) regional plans.

The air quality plans for the region, including the State Implementation Plan (SIP) and the Regional Air Quality Strategy (RAQS), account for the growth and development outlined in the City's General Plan and SANDAG's projections for the region. These plans rely on assumptions about land use and development patterns, including industrial growth, which are reflected in local and regional planning efforts.

The MBTRA would not result in development that exceeds what is anticipated in these planning documents. The property is designated for industrial uses, and the proposed square footage and intensity of the development under the MBTRA fall within the anticipated range of industrial development in the area. As such, the air quality impacts associated with this alternative are consistent with those projected in the RAQS and the SIP. The vehicle trips generated by the MBTRA would also fall within the range projected in SANDAG's growth forecasts, and the emissions from these trips have already been accounted for in the regional air quality planning process. Consequently, the MBTRA would not conflict with or obstruct their implementation. As a result, impacts would be less than significant.

Threshold of Significance:

- Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

For the reasons specified below, the MBTRA would have a less than significant impact as the MBTRA would not result in other emissions adversely affecting a substantive number of people.

Construction

The MBTRA would be subject to the same construction-related emissions regulations as the project, including those outlined in the State of California Health and Safety Code, SDAPCD Rule 51, and the City's Municipal Code. These regulations prohibit emissions that cause injury, nuisance, or damage to public health or property. During construction, potential odors could result from vehicle and equipment exhaust emissions, as well as from the use of architectural coatings and other materials. These odors would be temporary in nature and, for the type of construction required for the MBTRA, would not reach concentrations that would adversely affect a substantial number of people.

The property is located in an industrial area with no sensitive receptors immediately adjacent to the site. The closest sensitive receptors, such as residences, are located approximately 0.15 mile north across the San Luis Rey River, which further reduces the likelihood of significant odor impacts during construction. Additionally, construction activities would be subject to the City's regulations prohibiting evening and night-time construction, which would minimize the duration and frequency of odor-generating activities during sensitive hours. Therefore, the construction activities for the MBTRA would not result in other emissions such as odors that would adversely affect a substantial number of people, and impacts during construction would be less than significant.

Operational

Similar to the project, the operational phase of the MBTRA would not be expected to generate significant odors that would affect a substantial number of people. The MBTRA includes industrial uses such as warehouses and manufacturing, which are not typically associated with objectionable odors. Potential sources of odor in the operational phase could include vehicle exhaust from trucks, occasional dust, or minimal odors from the building's activities; however, none of these would be expected to reach levels that would adversely affect a substantial number of people.

The MBTRA does not propose uses typically associated with strong, persistent odors, such as food processing facilities, chemical plants, wastewater treatment plants, or landfills. Additionally, as aligned with the project, the MBTRA would be subject to compliance with SDAPCD Rule 51, which prohibits the emission of materials that create a nuisance to a considerable number of persons or endanger the health and safety of the public. This rule applies to all operational activities.

Further, the location of the MBTRA, with its proximity to existing industrial land uses and distance from sensitive receptors, minimizes the potential for potentially significant operational impacts. Therefore, the operational phase of the MBTRA would not result in other emissions such as odors

that would adversely affect a substantial number of people, and impacts during operation would be less than significant.

Cumulative Impact:

Cumulative air quality impacts for the MBTRA are evaluated within the context of the San Diego Air Basin, which is designated as a federal nonattainment area for ozone and a state nonattainment area for both ozone and particulate matter (PM10 and PM2.5). These nonattainment designations result from cumulative emissions from past and present development activities. Like the project, the MBTRA's construction emissions would remain below significance thresholds, with short-term, temporary impacts typical of industrial projects, and would be mitigated by measures such as the use of low-VOC paints (MM-AQ-1). Once construction is complete, associated emissions would cease. Operational emissions from the MBTRA are not anticipated to exceed thresholds for any criteria pollutants. Moreover, the MBTRA is consistent with regional air quality planning documents, including the SIP and the RAQS, which rely on growth projections from SANDAG. As the MBTRA aligns with these projections, it would be consistent with the SIP and RAQS, thus not contributing to a significant cumulative impact from operational emissions. Given the same location and that the MBTRA has a reduced development intensity compared to the project, like the project and as disclosed in Section 4.2, Air Quality, CO concentrations with the MBTRA would not result in CO hotspots; would not result in TAC exposure that would exceed thresholds during construction or operation; would not expose sensitive receptors to substantial pollutant concentrations; and would not create objectionable odors. Therefore, based also on the location of the MBTRA relative to other cumulative projects, the MBTRA would not contribute to cumulative considerable increases in other emissions adversely affecting a substantive number of people. Therefore, the MBTRA would not result in a cumulatively considerable contribution to air quality impacts as disclosed in the Final EIR and elsewhere in the record of proceedings.

BIOLOGICAL RESOURCES

Threshold of Significance:

- Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department and Game of U.S. Fish and Wildlife Service?

The MBTRA would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department and Game of U.S. Fish and Wildlife Service. The biological study area for the MBTRA has been assessed, and no qualifying riparian or other sensitive natural community exists within the property to be developed by the MBTRA. The property is located near the San Luis Rey River, and in accordance with the City of Oceanside's Draft Subarea Plan (2010), a 100-foot biological buffer would be maintained around the upland habitats to protect sensitive natural communities. The

MBTRA's footprint is designed to avoid encroaching into these sensitive areas, ensuring that there is no direct disturbance of riparian habitats or other qualifying sensitive natural community.

Like the project, development of the MBTRA would occur on previously disturbed land and would maintain the 100-foot biological buffer from the San Luis Rey River. Approximately 0.85 acres of the buffer area is located within the project boundary. The remaining buffer area including riprap along the levee, the San Luis Rey River Trail, and disturbed land along the levee's south slope, would not be disturbed by the MBTRA.

Therefore, the MBTRA would not have a substantial adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations or by the California Department and Game of U.S. Fish and Wildlife Service and impacts would be less than significant.

Threshold of Significance:

- Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The MBTRA would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.). The biological study area for the MBTRA has been assessed, and no state or federally protected wetlands were identified within or near the property. As confirmed in the biological assessment, no direct removal, filling, hydrological interruption, or other impacts to jurisdictional wetland resources would result from the MBTRA. Therefore, impacts to state or federally protected wetlands are determined to be less than significant.

Cumulative Impact:

The cumulative biological study area for the MBTRA is consistent with the area covered by the Oceanside Subarea Plan (2010). The MBTRA design would not result in direct impacts to special-status plant or wildlife species, as the development has been planned to avoid sensitive biological areas. The proposed 100-foot biological buffer from the San Luis Rey River will further protect adjacent riparian habitats or other qualifying sensitive communities. Indirect impacts to biological resources would be mitigated to a less-than-significant level through the implementation of MM-BIO-1 through MM-BIO-4, including best management practices to protect wildlife species and habitats. Additionally, the MBTRA would be required to comply with the California Fish and Game Code and the Migratory Bird Treaty Act to prevent impacts to nesting birds. The MBTRA, as with all other cumulative projects, would be required to comply with all applicable federal, state and local regulations regarding the protection of sensitive vegetation communities, special-status plants, special-status wildlife species, jurisdictional resources, including, without limitations, wetlands, and wildlife movement or corridors/habitat linkages. Further, the Ocean Kamp project, which is the

closest cumulative project to the property, would be required to mitigate for its own impacts to biological resources, which would reduce the potential for cumulative impacts to occur. Given the design features and mitigations required for the MBTRA, it would not contribute to significant cumulative impacts on regional biological resources, as outlined in the Final EIR and the record of proceedings.

CULTURAL RESOURCES

Threshold of Significance:

- Would the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?

The MBTRA would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. As described in the Final EIR, no buildings exist on the property. As outlined in the project's historical resources assessment, the buildings that previously occupied the site were not found to meet the criteria for eligibility for listing in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or as a City of Oceanside Designated Historic Resource. These structures lacked the necessary significance for protection under CEQA. Additionally, no indirect impacts to historical resources were identified, as the MBTRA, like the project, would not affect any historical resources outside the property. Therefore, the MBTRA would not result in any substantial adverse effects on historical resources as defined in CEQA Guidelines Section 15064.5, and impacts would be less than significant.

Threshold of Significance

- Would the project disturb any human remains, including those interred outside of formal cemeteries?

Same as the project, the MBTRA would not disturb any human remains, including those interred outside of formal cemeteries. The project site is not identified as a cemetery, and no evidence of human remains is known to exist within the project area. Additionally, no human remains were discovered during field surveys conducted of the property. Further, as a matter of law, the MBTRA must comply with Section 7050.5 of the California Health and Safety Code (HSC), if human remains are discovered during excavation or grading activities. In the event of such a find as required by law, the county coroner would be immediately notified, excavation or disturbance of the site in the vicinity of the find would be halted until the appropriate treatment and disposition of the remains are determined. If the remains are identified as Native American, the coroner would contact the Native American Heritage Commission (NAHC) to identify the Most Likely Descendant (MLD), who would be consulted to make recommendations regarding the respectful treatment and disposition of the remains. Although no mitigation is required, the MBTRA would adhere to the

measures outlined in MM-CUL-9, which reflect the state law requirements under HSC section 7050.5. Therefore, like the project, the MBTRA would not disturb any human remains, including those interred outside of formal cemeteries, and the potential impacts would be less than significant.

Cumulative Impact:

The cumulative study area includes other projects in the vicinity that may affect cultural resources. Cultural resources studies will be conducted for all cumulative projects in the area to assess potential impacts just as was done with the project and the MBTRA. These studies will help ensure that cultural resources are properly identified, and that any potentially significant impacts are avoided or mitigated in accordance with local and state laws. If any significant cultural resources are discovered, appropriate mitigation measures would be implemented on a project-by-project basis. Given the absence of identified cultural resources at the MBTRA project site, and with the incorporation of standard cultural resource mitigation measures (MM-CUL-1 through MM-CUL-9) and compliance with HSC section 7050.5, the MBTRA would not result in significant cultural resource impacts. Therefore, the MBTRA would not contribute to cumulatively considerable cultural resource impacts as disclosed in Final EIR and elsewhere in the record of proceedings.

ENERGY

Threshold of Significance:

- Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction and operation of the MBTRA would have less than significant impacts as the MBTRA would not result in any potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources.

Construction Use:

Under the MBTRA, the construction process would be similar to that of the project, involving roughly the same phases such as site preparation, grading, building construction, and paving. The primary energy consumption would still come from diesel-powered construction equipment and trucks and construction workers using gasoline. Electricity demand during construction would remain minimal, typically used for hand tools and trailers. However, since the MBTRA reduces the size of the building, some limited reduction in energy usage would occur compared to the project. Like the project, the MBTRA has no unusual characteristics or construction processes that would use more energy intensive equipment than comparable projects and all equipment used would have to conform to applicable energy efficiency standards. Thus, the MBTRA construction would not

result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources.

Operational Use:

Electricity

The MBTRA would lead to a slight reduction in operational energy use compared to the project, as fewer truck bays and a smaller overall building size would reduce electricity needs for lighting, HVAC, or other building systems. Like the project, the MBTRA would not represent a significant demand on electricity supplies that would require additional capacity. The MBTRA's use is not inherently energy intensive, and the MBTRA electricity demands in total would be comparable to other projects of similar scale and configuration. Due to evolving energy efficiency requirements, the MBTRA would be more energy efficient than other industrial developments built over prior years because of increasingly more stringent Title 24 standards and City Municipal Code requirements regarding renewable energy usage and drought-tolerant landscaping (reduces energy use associated with water supply). Therefore, like the project, the MBTRA electricity consumption during operations would have less than significant impacts as the MBTRA would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Natural Gas

Similar to electricity, the MBTRA would slightly reduce the project's natural gas demand compared to the project. Natural gas consumption estimates would likely remain within a small margin of what was identified for the project. The MBTRA is not inherently energy intensive, and natural gas usage would be comparable or less than other projects of similar scale and configuration. Additionally, the MBTRA is subject to statewide mandatory energy standards established by Title 24, Part 6, compliance with the City's CAP and Municipal Code requirements relative to renewable energy usage. Therefore, like the project, the MBTRA natural gas consumption during operations would have less than significant impacts as the MBTRA would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Petroleum

The MBTRA operations would be similar to the project such that estimates for the consumption of energy would be similar. Like the project, the MBTRA must comply with City Code requirements relative to the provision of EV charging/parking and bicycle facilities that reduce demand for petroleum usage. The MBTRA has no unusual characteristics or operational processes that would result in the use of more petroleum than comparable projects and all vehicles used in operation would have to comply with any increase in fuel efficiency standards. Therefore, petroleum usage during the MBTRA operations would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources.

Overall, the MBTRA energy usage would be minimal in the context of overall energy consumption at the regional and state levels, the MBTRA would comply with energy efficiency standards and the MBTRA would not result in wasteful, inefficient, or unnecessary consumption of resources. Therefore, the MBTRA would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Threshold of Significance:

- Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Like the project, the MBTRA would comply with California's energy efficiency and renewable energy standards, ensuring it does not conflict with or obstruct state or local energy plans for energy or energy efficiency. Like the project, the MBTRA must adhere to Title 24 energy efficiency standards, which regulate energy use in residential and nonresidential buildings. Specifically, Title 20 and Title 24 addresses energy impacts of lighting, heating, cooling, and water heating systems, as well as the building envelope and appliances. Additionally, the MBTRA would incorporate solar PV to meet the City of Oceanside's Zoning Ordinance.

The MBTRA is also consistent with the Energy Climate Action Element (ECAE) of the City's General Plan that promotes energy efficiency and the use of renewable energy. Like the project, the MBTRA would still include features such as commercial PV systems, energy-efficient lighting and appliances, EV charging stations, and drought-tolerant landscaping. Therefore, the MBTRA would not conflict with or obstruct state or local plans for renewable energy or energy efficiency and impacts would be less than significant.

Cumulative Impact:

The MBTRA would not result in direct, significant energy impacts as the MBTRA will not result in wasteful, inefficient, or unnecessary use of energy during construction or operations, nor would it conflict with an applicable plan for renewable energy or energy efficiency. The MBTRA has been designed with energy-saving measures such as the installation of EV charging stations, solar panels on buildings, reduced landscaping water use, and the planting of trees. Cumulative projects would be required to meet Title 24 building standards, which further minimize energy inefficiency, and would be subject to state and federal regulations like the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program, which would reduce transportation-related fuel demand. Like the MBTRA, those cumulative projects would be required to demonstrate that they would not result in wasteful, inefficient, or unnecessary use of energy during construction or operations or conflicts with an applicable plan for renewable energy or energy efficiency. Therefore, the MBTRA, which would be less intense than the project in energy usage based on the reduced development footprint, slightly smaller building square footage and reduced number of truck bays,

would not contribute to cumulatively considerable energy impacts as disclosed in Final EIR and elsewhere in the record of proceedings.

GEOLOGY AND SOILS

Threshold of Significance:

- Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (a) rupture of a known earthquake fault, as delineated on the most recent Alquist–Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of as known fault (Refer to Division of Mines and Geology Special Publication 42); (b) strong seismic ground shaking; (c) seismic-related ground failure, including liquefaction; or (d) landslides?

(a) Rupture of a Known Earthquake Fault

The MBTRA will be located in Southern California, a seismically active region. However, there are no known active or potentially active faults directly on or near the property, and the site is not located within an Alquist-Priolo Earthquake Fault Zone. The closest active fault is the Oceanside section of the Newport-Inglewood-Rose Canyon Fault Zone, which is approximately 6.8 miles southwest of the site. Given that there are no known active faults within close proximity and the MBTRA would adhere to recommendations from the geotechnical investigation and meet seismic design standards outlined in the California Building Code (CBC), like the project, the MBTRA would not directly or indirectly cause potential substantial adverse effects including the risk of loss, injury, or death involving: (a) rupture of a known earthquake fault, as delineated on the most recent Alquist–Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of as known fault (Refer to Division of Mines and Geology Special Publication 42) and would be less than significant under the MBTRA.

(b) Strong Seismic Ground Shaking

The MBTRA will exist in a region where strong seismic ground shaking could occur due to its proximity to active fault zones such as the Newport-Inglewood-Rose Canyon Fault Zone. Although strong ground shaking is a common occurrence in San Diego County and Southern California, the MBTRA would be designed to withstand seismic events. The MBTRA's design would comply with performance standards set by the International Building Code (IBC) and the CBC.

Additionally, the MBTRA would incorporate the recommendations from the geotechnical investigation to ensure that the buildings are structurally sound during seismic activity. In sum, the MBTRA would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking; impacts would be less than significant..

(c) Seismic-Related Ground Failure (Liquefaction)

According to the geotechnical investigation, the site is underlain by relatively deep, saturated alluvial deposits, which could be susceptible to liquefaction during a significant seismic event. However, like the project, conditions of approval will require the MBTRA to implement the necessary ground improvement techniques identified in the geotechnical investigation, such as rammed aggregate piers, to reduce liquefaction hazards. These improvements would densify the soil and reduce the potential for ground failure due to liquefaction. The geotechnical report requires post-treatment testing to verify that the soil has been sufficiently densified to prevent liquefaction. With these techniques in place, the MBTRA would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction and impacts would be less than significant.

(d) Landslides

The geotechnical investigation identifies no evidence of landslides or geotechnical instability at the property. The site is relatively flat, and the local geologic structure is conducive to stable construction. The lack of significant slopes or geological conditions conducive to landslides further reduces the potential for landslide risks. Therefore, the MBTRA would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslide and impacts would be less than significant.

In summary, the MBTRA, as designed and conditioned, would not cause significant adverse effects related to earthquake fault rupture, seismic ground shaking, liquefaction, or landslides. With adherence to geotechnical recommendations and compliance with seismic performance standards outlined in the CBC, the project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving (a) the rupture of a known earthquake fault as delineated in the most recent Alquist–Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (b) strong seismic ground shaking; (c) seismic-related ground failure, including liquefaction; or (d) landslides. Therefore, the impacts associated with the MBTRA would be less than significant.

Threshold of Significance:

- Would the project result in substantial soil erosion or the loss of topsoil?

The MBTRA would not result in substantial soil erosion or loss of topsoil due to the implementation of effective erosion control measures during construction and operation. Potentially significant impacts due to erosion during construction would be avoided through adherence to the City's Grading Ordinance and the use of best management practices required by law such as silt fencing, soil binders, hydroseeding, and stormwater management plans (SWQMP and SWPPP) to control runoff and stabilize soils. Landscaping features incorporated throughout the site would further

reduce erosion risk by stabilizing the soils, particularly along undeveloped areas. These measures would ensure that the MBTRA does not result in substantial soil erosion or topsoil loss, and the impact would be less than significant.

Threshold of Significance:

- Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Final EIR section 4.6 discloses that the property is not located on unstable geologic units or soils that would become unstable as a result of development, nor would it potentially cause on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse. The site is relatively level, with no evidence of landslides or slope instabilities, and it is not located in an area of known subsidence. While the site is underlain by potentially liquefiable alluvial deposits, the MBTRA must comply with the geotechnical investigation's recommendations for ground improvements, such as rammed aggregate piers, to mitigate the risk of liquefaction and lateral spreading. Following these recommendations and adhering to performance standards set by the IBC and CBC, like the project, the MBTRA, would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; impacts would be less than significant.

Threshold of Significance:

- Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

The MBTRA would not be located on expansive soil, as defined in the Uniform Building Code (1994). The geotechnical investigation included with the Final EIR indicates that the alluvial deposits underlying the project site have very low expansion potential and are suitable for construction. Additionally, as required by the conditions of approval and geotechnical investigation, to reduce any potential risks from expansive heave, the top 2 feet of material beneath building footings, concrete slabs-on-grade, hardscape, and site retaining wall footings would meet specific expansion index requirements of 50 or less. Therefore the MBTRA would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property,, and impacts would be less than significant.

Threshold of Significance:

- Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The MBTRA would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The property is covered by Qya floodplain deposits, which have a low to very low sensitivity for paleontological resources, as noted in the geotechnical report included with the Final EIR. While ground-disturbing activities could potentially unearth previously unidentified resources, the preliminary evaluation did not identify any unique geologic features on the site. Therefore, the MBTRA would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and impacts would be less than significant.

Cumulative Impact:

Due to the localized nature of geology and soils, and the distance of the cumulative projects from the MBTRA, cumulatively considerable geology and soil impacts would not occur. Each cumulative project would be required to assess individual and site-specific geologic conditions, which would inform the construction and development of each project. Those projects would be subject to similar requirements and regulations as those imposed for the MBTRA, ensuring adherence to applicable standards and procedures. The MBTRA would not result in significant impacts to paleontological resources or from earthquakes, seismic-related ground shaking, liquefaction, landslides, erosion, expansive soils, or other geologic hazards. As the MBTRA would not result in any significant impacts to geology or soils and all cumulative projects would be required to analyze site-specific conditions and implement necessary recommendations or mitigation, the MBTRA would not contribute to cumulatively considerable geology and soil impacts as disclosed in Final EIR and elsewhere in the record of proceedings.

GREENHOUSE GASES

Threshold of Significance:

- Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The City of Oceanside's CAP targets a reduction in GHG emissions to 4 MT CO2e per capita by 2030 and 2 MT CO2e per capita by 2050. For a development like the MBTRA that would emit more than 900 MTCO2e of GHG, the CAP and City guidance provide for the evaluation of the significance of a project's GHG emissions based on an assessment of a project's consistency with the CAP and, where applicable, the CAP Consistency Checklist. As these findings, the Final EIR and the record of proceedings demonstrate, the MBTRA would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Similar to developments of comparable size and operational characteristics, the MBTRA would generate GHG emissions similar to those of the project during both construction and operation. As disclosed in the Final EIR, the project and the MBTRA would generate annual GHG emissions of approximately 7,172 MT CO2e. Per the CAP and related City guidance, as the MBTRA would emit more than 900 MT CO2e annually, the MBTRA could have a considerable contribution to cumulative climate

change impacts if it is unable to demonstrate consistency with the CAP Consistency Checklist. Only developments that meet one or more of the CAP established threshold criteria are eligible to rely on the CAP Consistency Checklist to demonstrate less than significant GHG impacts. The MBTRA satisfies the third criteria as an industrial development on a property designated for that use that conforms to the current land use and zoning designation. Thus, the MBTRA is eligible to use the CAP Consistency Checklist. Relevant to that checklist, the MBTRA and the project are the same. Therefore, as the Final EIR demonstrates for the project, the MBTRA conforms to the applicable CAP Checklist items including, without limitation, compliance with Municipal Code Section 3047 requirements related to renewable energy generation, provision of EV charging stations and parking and providing permeable areas and urban tree canopies at percentages consistent with Municipal Code section 3049. Accordingly, the MBTRA would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and impacts would be less than significant.

Threshold of Significance:

- Would the project generate conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As the Final EIR, record of proceedings and preceding finding demonstrate, the MBTRA, similar to the project, is consistent with the City of Oceanside's CAP and implementing plans and regulations. At the regional level, SANDAG's 2021 updated Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Regional Plan) was adopted consistent with State law for the purpose of reducing GHG emissions attributable to passenger vehicles in the San Diego region. The RTP/SCS is not directly applicable to the MBTRA because the RTP/SCS's underlying purpose is to provide direction and guidance on future regional growth (i.e., the location of new residential and nonresidential land uses) and transportation patterns throughout the City and greater San Diego County as contemplated by Senate Bill 375. CARB has recognized that the approved RTP/SCS is consistent with Senate Bill 375. As the growth projections and GHG emissions that underlie the Regional Plan are generally consistent with the local government plans such as the City's General Plan, and the MBTRA proposes industrial development consistent with the intensity allowed by the General Plan and zoning, the MBTRA would not result in growth or GHG emissions that would conflict with the Regional Plan. Therefore, impacts are less than significant as the MBTRA will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG.

Cumulative Impact:

GHG impacts, by nature, are cumulative. As described above, the MBTRA would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment nor would the MBTRA conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The MBTRA conforms to the applicable CAP Checklist

items, and at the regional level, the MBTRA proposes industrial development at an intensity consistent with applicable City plans and the RTP/SCS. Like the project, the MBTRA would not contribute to cumulatively considerable GHG impact as disclosed in Final EIR and elsewhere in the record of proceedings.

HAZARDS AND HAZARDOUS MATERIALS

Threshold of Significance:

- Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

As the Final EIR, record of proceedings and preceding finding demonstrate, the MBTRA would involve similar construction and operational activities as the project, including the transport, use, and disposal of hazardous materials such as diesel fuel, gasoline, equipment fluids, solvents, and adhesives during construction, as well as industrial chemicals and cleaning products during operation. However, the MBTRA would adhere to the same rigorous federal, state, and local regulations that govern the handling, transport, and disposal of hazardous materials. These regulations include the Federal Chemical Accident Prevention Provisions, California's Hazardous Waste Control Law, and specific guidelines for the transportation of hazardous materials, all of which would ensure that any hazardous materials are managed safely and in compliance with industry standards. Additionally, operational activities, such as the use of industrial chemicals and fertilizers, would be conducted in accordance with the manufacturer's recommendations and stored properly to minimize risks. Therefore, through adherence to these safety standards and mandatory regulatory compliance, the MBTRA would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and potential impacts would be less than significant.

Threshold of Significance:

- Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The MBTRA, similar to the project, would be subject to the same regulations and safety protocols designed to prevent hazardous material releases during construction and operation. Due to the historical industrial use of the site, as described in Final EIR Table 4.8.1 and Section 4.8, there are recognized environmental conditions (RECs) related to the presence of hazardous materials such as petroleum and volatile organic hydrocarbons (VOCs). However, these potential concerns would be managed in accordance with federal, state, and local regulations including those related to the removal of contaminated soils and clean-up of the property pursuant to approvals to be granted by CEQA Responsible Agency the Department of Toxic Substances Control (DTSC). During

construction, hazardous materials like diesel fuel, gasoline, and cleaning solvents would be used, but spill containment measures enforced by the Oceanside Fire Department (OFD), along with mandatory compliance with hazardous materials regulations, would minimize the risk of any accidental release. Similarly, during operations, industrial chemicals and other hazardous materials would be stored and handled according to the manufacturer's guidelines and applicable regulations, with permitted and licensed service providers managing their transport, removal, and disposal. As a result, with adherence to stringent safety protocols and other measures required by law, the MBTRA would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant.

Threshold of Significance:

- Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The MBTRA would not emit hazardous emissions or handle hazardous materials within one-quarter mile of an existing or proposed school. The existing Teri Learning Academy is located approximately 0.21 miles from the property. The site has been identified as containing RECs from its historical industrial use. Soil removal and remediation would be completed in compliance with applicable law. That work is necessary independent of implementation of the MBTRA. Additionally, the school is located across State Route 76, beyond the Oceanside Municipal Airport and other industrial uses, providing physical separation and further reducing the potential for a significant impact. To the extent applicable, the MBTRA would also adhere to strict local, state, and federal regulations regarding the transport, use, storage, and disposal of hazardous materials including those enforced by the DTSC. With compliance with all necessary environmental safeguards required by law, including the Phase I Environmental Site Assessment (ESA) and site remediation efforts, the MBTRA would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Threshold of Significance:

- Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The MBTRA would be developed on a property with historical environmental concerns due to past industrial activities, which involved the use of hazardous materials such as petroleum hydrocarbons, volatile organic compounds, metals, and per- and polyfluoroalkyl substances. The property is included on hazardous materials lists under Government Code Section 65962.5, reflecting its prior industrial uses, including metal plating and hazardous waste treatment. A Response Plan addressing the hazardous substance information disclosed in the Final EIR would be reviewed and approved by

DTSC prior to construction of the MBTRA. The Response Plan must satisfy the regulatory requirements of DTSC under the state regulatory process known as California Land Reuse and Revitalization Act. The Response Plan sets forth remedial action objectives (RAOs) for the site that are based on the future planned industrial use. The Response Plan contemplates site remediation activities including, without limitation, the removal of certain contaminated soils from the property. As with the project, those site remediation activities, including the remedial grading and disposal of contaminated soils, are within the scope of the MBTRA construction and grading operations described and analyzed throughout the Final EIR. The Response Plan and RAOs must comply with the CLRA and DTSC regulatory scheme specifically adopted to protect, and avoid significant hazards to, public health and the environment. After completion of remedial action and approval of the completion report by DTSC, the property would be deemed suitably remediated and it may be released for industrial/commercial usage. Additionally, the MBTRA would comply with other applicable local, state, and federal regulations described in the Final EIR and record of proceedings, ensuring that the site is adequately prepared for industrial use. As such, although on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the MBTRA would not create a significant hazard to the public or environment, and impacts would be less than significant.

Threshold of Significance:

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The MBTRA property is located adjacent to the Oceanside Municipal Airport and falls within several safety zones outlined in the Airport Land Use Compatibility Plan (ALUCP). Specifically, portions of the site fall within safety zones 1, 2, 3, 5, and 6. However, the MBTRA would not develop any habitable structures within Safety Zone 1, which prohibits such uses, and the ALUCP allows warehouse and distribution facilities in Safety Zones 2 through 6. As such, the MBTRA is consistent with the land use compatibility criteria for these zones.

Regarding noise exposure, the ALUCP specifies that the majority of the site falls within a 60 dB noise contour, with a small portion in the 65 dB contour. Both noise levels are compatible with warehouse and distribution uses according to the ALUCP and City noise thresholds for such uses. Additionally, as analyzed in Final EIR section 4.11, like the project, the MBTRA will not exceed the City's noise standards during construction or operations.

The site is also located within Review Area 1 of the ALUCP, which may have limitations due to noise and safety concerns. The Airport Land Use Commission issued a Consistency Determination for the larger project. The MBTRA proposes the same types of uses and less overall intensity and building square footage compared to the project. Further, like the project, the MBTRA would comply with all necessary regulatory requirements, including recordation of an overflight

notification, to ensure consistency with the ALUCP. Based on the MBTRA's design, compliance with ALUCP safety, noise and other requirements, the MBTRA would not result in a safety hazard or excessive noise for people residing or working in the project area relative to the Oceanside Municipal Airport and ALUCP; impacts would be less than significant.

Threshold of Significance:

- Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The MBTRA would not impair implementation or physically interfere with any adopted emergency response plan or emergency evacuation plans. Compared to the project, the MBTRA proposes fewer truck bays, the same type of uses and a slight reduction in the intensity of development. Thus, the potential for the MBTRA to have significant impacts relative to an adopted emergency response plan or emergency evacuation plan would be the same as the project. Like the project, as analyzed in Final EIR section 4.8, the MBTRA's General Plan consistent industrial use would not impair implementation or physically interfere with existing emergency plans such as the San Diego County Multi-Jurisdictional Hazard Mitigation Plan, the San Diego County Emergency Operations Plan (EOP), and the City of Oceanside EOP. The MBTRA is located outside of the tsunami evacuation area, as identified in the City's tsunami evacuation map, and would not interfere with any designated evacuation routes. The MBTRA would provide two access points for emergency responders and would not require closure of public or private streets during construction or operations. Additionally, the MBTRA would meet all emergency access requirements set by the OFD. The Wildfire Evacuation Study included with the Final EIR provides further support for the determination regarding consistency with relevant emergency evacuation plans and emergency response plans. That study discloses the prevention and minimization regulations and measures applicable to the MBTRA, and documents evacuation times for the existing and post-project conditions. The study describes additional emergency preparedness information and practices related to efficient evacuation of the property and the surrounding area in the event of an emergency. In sum, the MBTRA would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Threshold of Significance:

- Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The MBTRA site is located within a Local Responsibility Area Very High Fire Hazard Severity Zone (VHFHSZ). For the reasons described in the Final EIR, including Sections 4.8, 4.17 and Appendix N, including the site's existing development, relatively flat topography, and the obligation under law that the MBTRA adhere to updated building standards, like the project, the MBTRA is not expected to increase wildfire risks. By way of example, the San Luis Rey River Trail provides a

physical break between the site and adjacent wildland areas, and the MBTRA would include a 100-foot buffer from the San Luis Rey River corridor that will be planted on-site with native plant species with lower wildfire risk potential

As disclosed in the Final EIR, the Wildfire Evacuation Study recognizes that the property is in a designated VHFHSZ, but not immediately adjacent to wildland areas. Development to the south, east, and west of the site includes various infrastructure and urban developments, while the northern boundary is separated from the San Luis Rey River by the bike trail/levee. Like the project, the MBTRA would include ignition-resistant construction, native landscaping, and 100 feet of fuel modification, as required in high-risk fire zones. Additionally, the study's modeling takes into consideration nearby residential communities, proximity to open space areas, the capacity of applicable roadways, EOPs, and protocols utilized by the authorities responsible for issuing evacuation orders and warnings, and features of the proposed development that help lessen wildfire risks associated with the construction and operation. In sum, the analysis demonstrates that, similar to the project, the MBTRA's evacuation scenarios and considers emergency response plans, confirming that the MBTRA would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires and impacts would be less than significant.

Cumulative Impact:

Past, present, and reasonably foreseeable projects will result in the use and transport of oils, greases, and petroleum products for operational purposes. While there is potential for accidental spills, these events are random and unrelated to one another. Provided that individual projects, including the MBTRA, comply with regulations governing the storage, transportation, and handling of hazardous materials, the cumulative effect on human health and safety would not be significant. All such projects would be required to assess existing hazardous materials on site and follow regulations for their management, use, and disposal. The MBTRA's construction phase may involve hazardous materials from debris, landscaping, and commercial products, but the MBTRA will adhere to federal, state, and local laws such as the California Health and Safety Code, Hazardous Waste Control Act, and OSHA requirements, all of which regulate hazardous materials management and aim to minimize public health risks. The MBTRA's construction and operation, even though on property identified on the Cortese list, would not cumulatively contribute to significant impacts relative to hazardous emissions, materials or substances. Cumulative projects within the vicinity of the Oceanside Municipal Airport and subject to ALUCP, similar to the MBTRA, would also have to comply with applicable standards and requirements to avoid safety hazard or excessive noise for people residing or working in the applicable area. Like the MBTRA, cumulative projects within a Fire Hazard Severity Zone, must also meet fire fuel modification and clearing requirements, as well as fire code standards, which would be reviewed and approved by the fire marshal for each individual development, to avoid significant impacts. Thus, the MBTRA would not contribute to cumulatively

considerable hazards and hazardous materials impacts as disclosed in Final EIR and elsewhere in the record of proceedings

HYDROLOGY AND WATER QUALITY

Threshold of Significance:

- Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

The MBTRA would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The MBTRA involves modifications to the project that would reduce the overall building square footage and the number of truck bays compared to the original design. The Final EIR includes a drainage study and storm water quality management plan for the MBTRA. Like the project, the MBTRA would exceed City Municipal Code requirements for the tree canopy and pervious surface area requirements. During construction, the MBTRA must comply with the NPDES State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ. The Order regulates stormwater discharges and general construction activities and incorporates standard BMPs such as regular cleaning or sweeping of construction areas and impervious areas, and runoff controls. In compliance with the Order, and applicable law, the MBTRA must prepare and implement a development specific Stormwater Pollution Prevention Plan (SWPPP) that specifies BMPs that the MBTRA must implement during construction to minimize impacts to water quality. As required by applicable laws, construction and operation of the MBTRA must implement the City approved final Storm Water Quality Management Plan (SWQMP) that substantially conforms to the plan included in the Final EIR. That final plan will require the MBTRA (including the off-site improvements in Benet Road) to include a combination of structural BMPs, site design BMPs, and source control BMPs that provide post-construction pollutant controls, reducing potential operational impacts related to water quality standards or waste discharge. Similar to the project, the MBTRA site design includes a new storm water conveyance system on-site, which would consist of ribbon gutters, curb and gutter, and a detention vault system. The vault system incorporates modular wetlands for treatment and a force main pump to convey storm water to the existing storm drain located in Benet Road and into an existing storm water structure to the northwest side of the site which drains to the San Luis Rey River Basin. Therefore, through the MBTRA's compliance with applicable laws, conditions of approval and plans, the MBTRA would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; impacts would be less than significant.

Threshold of Significance:

- Would the project substantially decrease groundwater supplies or interfere substantially with groundwater discharge such that the project may impede sustainable groundwater management of the basin?

The MBTRA would not substantially decrease groundwater supplies or interfere substantially with groundwater discharge such that the MBTRA may impede sustainable groundwater management of the basin. The MBTRA would not use groundwater during construction or operations. Like the project, the MBTRA would have less impervious surface area than the maximum percentage established by the City Municipal Code. Although the MBTRA has a smaller building footprint, like the project the MBTRA will be located within the boundaries of the Lower San Luis Rey Valley Groundwater Basin, and the groundwater table is relatively shallow (around 7 to 7.5 feet below ground surface). Like the project, the MBTRA would implement a combination of structural BMPs, site design BMPs, and source control BMPs to provide post-construction pollutant control according to requirements for Priority Development Projects (PDPs) identified in the City of Oceanside BMP Design Manual. These systems would reduce pollutants that could potentially degrade groundwater quality prior to recharge. Thus, like the project, the MBTRA design and operations would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge in a way that may impede sustainable groundwater management of the basin.

Threshold of Significance:

- Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would (i) result in substantial erosion or siltation on or off site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows?

(i) Similar to the project, the MBTRA would implement BMPs during construction, as required by the City's regulations and the NPDES Construction General Permit. Construction BMPs described in the SWPPP include, but are not limited to, measures minimizing exposed soils, silt fencing, soil binders, street sweeping, hydroseeding soils, and using sandbags, check dams, or berms during rain events to direct flows. Surface drainage during construction would be controlled through implementation of the SWQMP and SWPPP required by the NPDES regulations and provisions of the City's Grading and Erosion Control Ordinances. During operations, like the project, the MBTRA would implement a new storm water conveyance system that includes ribbon gutters, curb and gutter, and a detention vault system with modular wetlands for treatment and a force main pump to convey storm water to the existing storm drain located in Benet Road and into an existing storm water structure to the northwest side of the site which drains to the San Luis Rey River Basin. Just like the

project, the MBTRA must comply with the City's Erosion Control Ordinance and implement structural BMPs (biofiltration facilities and underground detention vault) to minimize the potential for excessive downstream erosion in receiving waters. Landscaped areas of the MBTRA would also remove sediment and particulate-bound pollutants from stormwater prior to leaving the property. Therefore, the MBTRA would not substantially alter the drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion or siltation on or off site; impacts would be less than significant.

(ii) Like the project, the MBTRA would incorporate a stormwater conveyance system designed to manage runoff, including biofiltration and underground storage vaults and avoid an increase in peak flow rates. The hydrology analysis for the MBTRA included in the Final EIR, like the analysis for the project, demonstrates that the MBTRA's new stormwater conveyance and detention system would control flows during the peak of a 100-year, 6-hour storm event to predevelopment conditions. Thus, the MBTRA will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner that would result in flooding on or off site; impacts would be less than significant impact on runoff.

(iii) As with the project, the smaller footprint of the MBTRA would not exceed the capacity of the existing stormwater infrastructure, as the MBTRA's stormwater conveyance system would ensure that peak flows do not exceed those of the predevelopment condition. With installation of the MBTRA's stormwater drainage facilities along with the underground detention facilities, as the MBTRA's hydrology analysis illustrates, the MBTRA would treat flows in a manner that would not increase flows such that the capacity of existing or planned stormwater drainage systems are exceeded.

As addressed in preceding findings, during construction, the MBTRA must comply with the Construction General Permit Order, SWQMP, SWPPP, and BMPs. Compliance with the applicable regulatory requirements and MBTRA specific plans, including those that retain and treat runoff before discharge, ensures MBTRA construction would not result in substantial additional sources of polluted runoff. During operation, as required by applicable laws, the MBTRA must implement the SWQMP and operate a combination of structural BMPs, site design BMPs, and source control BMPs, as described in the Final EIR and the record of proceedings, that will achieve provide post-construction pollutant controls so that the MBTRA would not result in substantial additional sources of polluted runoff. In sum, like the project, the MBTRA would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage facilities or provide substantial additional sources of polluted runoff, impacts would be less than significant.

(iv) The MBTRA would not impede or redirect flood flows. The property is within a Special Flood Hazard Area (Zone A99) and protected by levees and a perimeter flood wall around the boundary of the entire property. The site and development specific hydrology analysis included in the Final EIR confirms that the MBTRA would not increase water surface elevation during a 100-year flood event. Additionally, the MBTRA's stormwater detention and treatment systems would manage runoff such that water would not be diverted away from existing drainage patterns, and the MBTRA's peak runoff would not have an adverse effect on the downstream watershed and existing infrastructure. Therefore, like the project, the MBTRA would not alter the course of a stream or river or through the addition of impervious surfaces in a manner that would impede or redirect flood flows; impacts would be less than significant.

Threshold of Significance:

- In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

The property is located in Special Flood Hazard Area Zone A99 according to FEMA, which is within a 100-year floodplain that is protected by levees along the San Luis Rey River. Although not yet certified by FEMA, the levees are already in place to provide protection, and the hydrology analysis included in the Final EIR demonstrates that water surface elevation during a 100-year flood event would remain the same for both the existing and proposed conditions. The MBTRA's perimeter wall around the property boundary provides additional flood protection. All those features, coupled with the MBTRA's stormwater conveyance system and BMPs described in previous findings, reduce to less than significance the potential risk of the release of pollutants from the site in the event of a flood. Regarding the risk of tsunami related inundation, the MBTRA would not be located within the tsunami inundation area, as per the Tsunami Inundation Map for Emergency Planning (CalEMA 2009). Because no enclosed or partially enclosed bodies of water exist in the vicinity of the property, the MBTRA is also not proposed within a seiche zone. Therefore, similar to the project and consistent with the SWQMP and Hydrology Study, the MBTRA would not risk release of pollutants due to project inundation in a flood hazard zone and impacts would be less than significant.

Threshold of Significance:

- Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The MBTRA would not conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan, similar to the original project design.

The project site is within the San Luis Rey River Watershed Water Quality Improvement Plan (WQIP) area, which aims to protect, preserve, and enhance water quality in the watershed. Like the project with its similar uses and larger building footprint, the MBTRA is consistent with the goals

of the WQIP as it complies with the relevant regulations designed to manage water quality. Specifically, the MBTRA adheres to the San Diego Regional Water Quality Control Board's NPDES MS4 Permit and the City of Oceanside's BMP Design Manual, which includes a comprehensive SWQMP. The MBTRA incorporates appropriate BMPs to reduce water quality pollutants during both construction and operational phases, including a stormwater conveyance system that collects, filters, and treats runoff before discharging it.

Regarding groundwater management, the site is not located within the San Luis Rey Valley, which is a medium-priority basin or any other basin subject to the Sustainable Groundwater Management Act (SGMA). As a result, the MBTRA does not fall under a mandatory Groundwater Sustainability Plan. The MBTRA does not involve the use or extraction of groundwater and, as address in the Final EIR and preceding findings, does not significantly impact groundwater resources. Therefore, the MBTRA would not conflict with or obstruct implementation of any applicable sustainable groundwater management plan.

In conclusion, similar to the project design, the MBTRA would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and impacts would be less than significant.

Cumulative Impact:

The MBTRA, like the project, would have less than significant, direct hydrology and water quality impacts as the MBTRA's construction, design and operation must implement all applicable hydrology and water quality management plans, strategies, measures and regulations described in the Final EIR and these findings. Like the MBTRA, each cumulative project applicant would be required to comply with the same, including by hydrologically engineering the respective cumulative project sites to ensure that post-development surface runoff flows can be accommodated by the regional drainage system, as required by applicable laws, implement BMPs and project-specific measures outlined in the project-specific Storm Water Quality Management Plan and Drainage Report required by law and otherwise ensure compliance with federal, state and City flood hazard, water quality control and groundwater standards and plans. Therefore, like the project, the MBTRA would not contribute to cumulatively considerable hydrology and water quality impacts as disclosed in Final EIR and elsewhere in the record of proceedings.

LAND USE AND PLANNING

Threshold of Significance:

- Would the project physically divide an established community?

The site is located within the Airport Neighborhood Area of Oceanside and is bordered 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 site is approximately 900 feet north of the Highway 76 corridor. The land is currently zoned Limited Industrial (IL), consistent with the Light Industrial (LI) designation in the General Plan and an industrial facility operated for decades on the property. Like the project, the MBTRA would involve the development of a warehouse and distribution facility that would be in harmony with the surrounding industrial uses and Oceanside Municipal Airport. The MBTRA does not involve the construction of any significant infrastructure (e.g., highways, railroads) that would physically divide the community or impede mobility. Furthermore, the MBTRA improvements would not obstruct or restrict access to adjacent properties or roadways.

Similar to the project, as an infill development situated in a highly developed area, the MBTRA is consistent with both the General Plan and Zoning designations and it would not create any physical barriers within the existing community. The proposed development would not hinder community connectivity or impede access to other areas. As such, the MBTRA would have not physically divide an established community. Impacts would be less than significant.

Threshold of Significance:

- Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The MBTRA is subject to several local and regional plans intended to avoid or mitigate environmental effects. These plans, policies, and regulations are contained within the City's General Plan, Zoning Ordinance, the draft Oceanside Subarea Plan of the North County MHCP, the ALUCP, the San Luis Rey Watershed WQIP, and SDAPCD. As the Final EIR demonstrates, and as the MBTRA and project are similar in design, use and operations as it relates to the consistency analysis related to those plans, policies and regulations, the MBTRA would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

City of Oceanside General Plan

The MBTRA proposes a reduction in the total building square footage and size and fewer truck bays compared to the project design. Like the project, as disclosed in Final EIR Table 4.10.1, the MBTRA aligns with the City's General Plan as it maintains the Light Industrial (LI) land use. The proposed warehouse and distribution facility under the MBTRA is consistent with the applicable General Plan's policies and goals, which support industrial uses in areas designated as Light Industrial. The reduction in building size and truck bays does not change the less than significant General Plan land use compatibility determinations relative to goals and policies adopted for the purpose of avoiding or mitigating an environmental effect.

City of Oceanside Zoning Ordinance

The MBTRA would be consistent with the City's Zoning Ordinance, which designates the site as Limited Industrial (IL), corresponding with the General Plan's Light Industrial (LI) designation. The Limited Industrial zone allows for warehouse, storage, and distribution facilities, including truck bays. With the approval of the Development Plan, CUPs and variance, like the larger project, the MBTRA complies with zoning regulations and would not result in a conflict with the Zoning Ordinance regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Oceanside Subarea Plan of the North County MHCP

The MBTRA is proposed for a property located in an area that the draft SAP contemplates for development and is not in an area designated for conservation. Like the project, the MBTRA would provide the 100-foot biological buffer from the San Luis Rey River consistent with the goals of the draft SAP. Similar to the project, as addressed in Final EIR Sections 4.2 and 4.10, the MBTRA would adhere to the biological resource avoidance and protection requirements of the SAP.

Oceanside Municipal Airport Land Use Compatibility Plan (ALUCP)

The project site is located within Review Area 1 of the Oceanside Municipal ALUCP, which requires compliance with policies regarding noise and safety. With its smaller footprint and lower intensity compared to the project, the Final EIR's determination that the project would comply with the ALUCP's airspace height limits, setback requirements, noise compliance zones and other elements of the ALUCP also apply to the MBTRA. Thus, the MBTRA would not conflict with an ALUCP policy or requirement adopted for the purpose of avoiding or mitigating an environmental effect.

San Luis Rey Watershed Water Quality Improvement Plan (WQIP)

The MBTRA would comply with the San Luis Rey Watershed WQIP. As was the case with the project, the MBTRA's SWQMP as part of the NPDES MS4 Permit requirements, would incorporate BMPs to reduce water pollutants and control runoff. The reduction in building and truck bay area would not significantly alter the stormwater runoff pattern nor the effectiveness of the BMPs as disclosed for the project. Thus, the MBTRA complies with the WQIP's goals for water quality improvement and standards adopted for the purpose of avoiding or mitigating an environmental effect.

San Diego Air Pollution Control District (SDAPCD)

The MBTRA would be consistent with the SDAPCD regulations and regional clean air plans. Like the larger project, the MBTRA is consistent with the SIP and RAQS adopted for the purpose of avoiding or mitigating an environmental effect, and regional air quality projections account for the type and intensity of development proposed by the MBTRA.

In sum, like the project, the MBTRA would have less than significant land use planning impacts as the MBTRA would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Cumulative Impact:

The MBTRA, like the project, is subject to the goals and policies outlined in the City of Oceanside's General Plan and other plans, policies and regulations discussed in these findings and the Final EIR. Like the project, the MBTRA would not physically divide a community or conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Thus, the MBTRA will have less than significant, direct land use and planning impacts. Like the MBTRA, all other cumulative projects would be subject to the goals and policies of the General Plan and all other plans, policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect, as applicable. Like the MBTRA, consistency of those cumulative projects with applicable plans, policies and regulations would ensure those projects do not result in significant land use and planning impacts. Therefore, like the project, the MBTRA would not contribute to a cumulatively considerable land use and planning impact as disclosed in Final EIR and elsewhere in the record of proceedings.

NOISE

Threshold of Significance:

- Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Short-Term Construction Noise

For both the project and 4-building MBTRA, as demonstrated in the Final EIR's appendices, the construction distance to the nearest sensitive receptors remains constant. With this similar distance, the MBTRA's construction noise levels experienced at sensitive receptors would be the same as for the project. like the project, construction noise will be generated by equipment such as graders, backhoes, forklifts, cranes, and rollers. Noise levels would depend on the specific construction phase, with the highest noise levels predicted to occur during grading and site preparation, particularly near the northern boundary of the site.

The analysis for the project did not identify any exceedances of applicable noise standards at nearby receptors. The analysis, using predictive modeling based on Federal Highway Administration (FHWA) construction noise guidelines, predicts that the construction noise levels at the nearest sensitive receptors (residences on Tishmal Court) will not exceed 60 dBA Leq over an 8-hour period. Similar to the project, MBTRA generated construction noise would remain well below the FTA's

80 dBA Leq significance threshold over an 8-hour period. Therefore, the MBTRA construction would not result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, the MBTRA's construction noise impacts would be less than significant

Long-Term Operational Noise

> Off-Site Traffic Noise Exposure: The MBTRA, because of its reduced square footage of each use, would generate fewer vehicles and accordingly lower traffic noise than the project.

Traffic noise modeling based on FHWA Traffic Noise Model (TNM 2.5) demonstrates that the project traffic noise levels would not exceed the applicable roadway significance threshold. As disclosed in Appendix H-1, with its reduced traffic generation, the MBTRA would have less than significant traffic noise impacts.

On-Site Project Noise Emission: As the MBTRA proposes a smaller building, fewer truck bays and most (but not all) truck bays facing other buildings as opposed to the San Luis Rey River and residential development to the north, the operational noise emissions would be reduced compared to the project. The analyzed operational noise analysis took into consideration elements such as outdoor mechanical equipment, parking lot activity and trucking operations. As demonstrated by the analysis in Final EIR Appendix H-1, MBTRA operational noise levels at the nearest residential receptors will be below 40 dBA, while at the San Luis Rey River trail north of the property, noise levels will remain below 50 dBA. As disclosed in Final EIR Section 4.11, the project would have resulted in less than significant operational noise impacts under the applicable thresholds even though the project's operational noise emissions were predicted to be higher those of the MBTRA. The Final EIR demonstrates that the project would have less than significant construction and operational noise impacts under applicable thresholds. The MBTRA would result in reduced construction-related noise and operational noise impacts compared to the project. Therefore, the MBTRA would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Threshold of Significance:

- Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction Vibration and Noise

Construction vibration impacts associated with the project were found to be less than significant at nearby sensitive receptors. The 4-building MBTRA would generate similar construction vibration levels given the similarities in the type and amount of construction for the developments. Like the

project, construction activities under the MBTRA would involve the use of heavy machinery such as bulldozers, backhoes, and cranes.

Groundborne vibration associated with construction equipment attenuates quickly as it travels through the ground. Based on guidance from Caltrans and FTA, the typical vibration from heavy equipment like bulldozers at a reference distance of 25 feet is approximately 0.089 ips. Given the at least 600-foot distance from the northern boundary of the property to the nearest residential properties, the estimated peak particle velocity (PPV) would decrease significantly with distance. The Final EIR discloses that the project would have a predicted level of 0.003 ips of groundborne vibration, well below the significance threshold that would cause annoyance (around 0.2 ips) or damage (around 0.3 ips). Therefore, like the project, the MBTRA construction would not result in generation of excessive groundborne vibration or groundborne noise levels and impacts would be less than significant.

Operational Vibration and Noise

Given the similarities of their industrial operations, the MBTRA and project would generate similar groundborne vibration and noise. Just as disclosed in the Final EIR for the project, the MBTRA would involve activities that may generate minimal vibration or noise, including the use of mechanical systems such as HVAC units and occasional truck movements. Therefore, like the project, operation of the MBTRA would not result in generation of excessive groundborne vibration or groundborne noise levels and impacts would be less than significant.

Threshold of Significance:

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

The project site is located in close proximity to the Oceanside Municipal Airport, which is located directly south of the property boundary. According to the ALUCP, the project site falls within the 60 dB CNEL and 65 dB CNEL noise contours (San Diego County Regional Airport Authority 2010). The CNEL metric, which accounts for noise levels over an entire day, is used to assess the potential for significant noise impacts. Using the City's threshold of significance for industrial developments, as the project proposes no residential development, a significant impact would occur in the daytime if levels exceed 70 dB CNEL or the nighttime levels exceed 65 dB CNEL. For purposes of this analysis, the project and the MBTRA would experience the same level of noise due to airport operations. Thus, as the highest noise level relative to the airport is 65 dB CNEL, impacts would be below the applicable thresholds. Further, areas within the development with offices and other enclosed spaces are located primarily within the 60 dB CNEL area. Thus, the MBTRA would not expose people residing or working in the project area to excessive noise levels relative to the

property's location within the Oceanside Municipal Airport ALUCP and impacts would be less than significant. Additionally, as this analysis of noise represents an impact of the environment on the project, there would be no cognizable impact under CEQA.

Cumulative Impact:

Regarding cumulative construction noise, groundborne vibration and groundborne noise, given the substantial distance and intervening topography and structures between the MBTRA and cumulative projects and the sensitive receptors in proximity to the same, like the project, MBTRA construction and all forms of groundborne vibration and noise, would not result in a cumulative construction impact with respect to any of the thresholds of significance addressed in the preceding direct impact findings. Regarding operational noise, as a result of that substantial distance and intervening topography and structures between the MBTRA and the cumulative projects and in accordance with the principles of sound propagation, the MBTRA's operational noise and off-site traffic noise would not result in an exceedance of the applicable noise significance threshold nor would they be cumulatively considerable with respect to any of the thresholds of significance addressed in the preceding direct impact findings. Further, similar to the MBTRA, cumulative projects would be required to comply with the applicable City noise standards to reduce any potentially significant cumulative noise impacts to a level below significance. Thus, like the project, the MBTRA would not contribute to cumulatively considerable noise impacts as disclosed in Final EIR and elsewhere in the record of proceedings.

POPULATION AND HOUSING

Threshold of Significance:

- Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?

The project site is zoned Limited Industrial (IL) and designated Light Industrial (LI) in the General Plan, allowing industrial uses such as warehouse, storage, and distribution facilities. The MBTRA would generate additional employment, but on a smaller scale than the project. As a development consistent with the General Plan, and at significant lower intensity than what is allowed by the Zoning Ordinance, implementation of the MBTRA would result in planned growth under the 2021 Regional Plan and the General Plan. The development replaces an outdated industrial facility with a more efficient operation, supporting the City's goal to address industrial land shortages, without requiring substantial infrastructure improvements. The MBTRA would utilize existing infrastructure and does not propose major upgrades that could induce unplanned growth. Any new on-site utilities would be specific to the development and would not facilitate broader growth in the area. Overall, like the larger project, the MBTRA will create jobs but will not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses)

or indirectly (for example, through extension of roads or other infrastructure. Therefore, impacts are less than significant.

Threshold of Significance:

- Would the project displace substantial numbers of existing people or housing?

The property is currently vacant and has never been used for residential purposes. The previous outdated industrial building was demolished and there are no residents or housing that the MBTRA would displace. Thus, like the project, the MBTRA would not displace substantial numbers of existing people or housing and impacts would be less than significant.

Cumulative Impact:

The MBTRA would not result in significant, direct population and housing impacts as the MBTRA, like the project, is consistent with the existing general plan land use designation and zoning for the property and SANDAG growth projections such that the MBTRA would not result in unplanned population growth. As stated above the MBTRA would not displace a substantial number of people or housing. The cumulative projects, like the MBTRA, would similarly have to comply with applicable population and housing thresholds of significance. Therefore, the MBTRA, like the project, would not contribute to cumulatively considerable population and housing impacts as disclosed in Final EIR and elsewhere in the record of proceedings.

PUBLIC SERVICES

Threshold of Significance:

- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services?

As the following, the Final EIR and the record of proceedings demonstrate, the MBTRA would have less than significant impacts as the MBTRA would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services.

Fire Protection:

The MBTRA is consistent with the site's industrial zoning and General Plan designation. Like the project, the MBTRA with its reduced level of intensity may slightly increase demand for fire protection compared to existing circumstances. The property is located in a developed area already served by Fire Station 7 that is 0.7 miles away. Like the analysis demonstrates for the project, for the MBTRA, Fire Station 7 could respond to an emergency anywhere on the property within 4 to 5 minutes. Fire Station 3 is located approximately 1.75 miles away and OFD's response time to development on the property would by approximately 5 minutes. Just like the project, the MBTRA would place a slight increase in demand for fire protection services in comparison to existing conditions; however, it would not result in the need for new fire personnel or equipment or require construction of a new station or expansion of existing fire facilities as the MBTRA can be adequately served by existing fire stations. Further, the project will contribute to fire service funding through taxes and impact fees, helping maintain service levels. Thus, the MBTRA would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services and impacts would be less than significant.

Police Protection:

Similar to fire protection, like the project would have, the MBTRA would slightly increase demand for police services compared to existing conditions. The MBTRA in an area already served by the Oceanside Police Department. As the MBTRA is consistent with the zoning and land use designation of the property, and growth projections for the City reflected in the SANDAG 2021 Regional Plan, the MBTRA does not introduce a new service population greater than accounted for in the City's General Plan. While development of the MBTRA would place a slight increase in demand on police protection services, like the project, it is not anticipated that the MBTRA would result in the need for construction or expansion of existing police facilities to accommodate new police personnel or equipment. The project would also contribute to police funding through development fees and taxes. Thus, the MBTRA would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services and impact would be less than significant.

Schools:

Although the MBTRA is not residential, like the project, using Oceanside Unified School District methodology, the MBTRA could introduce up to 6 students due to the added workforce. Even assuming all those students attend a OUSD school, which is speculative given that it is not known where employees of the MBTRA would be moving, that number is inconsequential compared to the

number of students enrolled in OUSD. The MBTRA will pay development impact fees to mitigate any potential impacts on local schools, as required by SB 50 guidelines. The impact on schools would be less than significant, as it would not require new or physically altered school facilities.

Parks:

As an industrial development, the MBTRA does not introduce residents and would not create a demand for new or expanded parks nor is the MBTRA required to provide park facilities. Thus, the MBTRA would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for park facilities and impacts would be less than significant.

Other Public Facilities (Libraries and Services):

The MBTRA is not expected to increase the need for libraries or other public services. The MBTRA will also contribute to funding for public facilities through the payment of development impact fees. Thus, the MBTRA would not result in substantial adverse physical impacts associated with the provision of new or physically altered other public services including library facilities or the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives and impacts would be less than significant.

In conclusion, the MBTRA would not result in substantial adverse impacts on public services, and all related impacts would be less than significant.

Cumulative Impact:

The MBTRA, like the project, would have less than significant, direct impacts to public services, as a development consistent with applicable land use designations and growth projections. The MBTRA would contribute to expected cumulative demand for public services as contemplated by the General Plan. The MBTRA and the cumulative projects would pay development impact fees intended to offset this demand and would not significantly contribute to the cumulative demand for additional facilities or facility improvements that would lead to significant physical environmental effects. The CEQA Guidelines specifically recognize that requiring a project to implement or fund its fair share of a measure designed to mitigate a cumulative impact is an effective way to address a project's contribution to the impact (14 CCR 15130[a][3]). Therefore, like the project, the MBTRA, in combination with the cumulative projects, would not result in cumulatively considerable impacts related to public services and facilities as disclosed for the in Final EIR and elsewhere in the record of proceedings.

TRAFFIC AND CIRCULATION

Threshold of Significance:

- Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

The MBTRA would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The primary source for the required consistency analysis is the General Plan Circulation Element. The Circulation Element goals and policies are aimed at incorporating complete streets throughout the Oceanside transportation network that serve all users of streets, roads and highways, regardless of their age or ability, or whether they are driving, walking, bicycling, or using transit. The Circulation Element includes an objective that the City should aim for a LOS of D or better on all Circulation Element roadways and intersections and the City's formally adopted Traffic Guidelines include implementing policies related to the same. Relevant to that objective and those policies, the MBTRA would generate fewer trips than the project, but the MBTRA would still contribute to traffic at the SR-76/Benet Road intersection, an intersection that currently operates at a failing LOS under certain conditions. Like the project, the MBTRA's contribution would not cause the intersection to fall below LOS D. To address this cumulative contribution, and achieve consistency with the Circulation Element objective and Traffic Guideline policies, the MBTRA would make a fair share contribution towards intersection improvements, including converting the eastbound and westbound right turn lanes to combined through-right lanes, resulting in three through lanes in each direction. This contribution, made prior to permit issuance, would go toward the City's Thoroughfare and Signal Account for safety and mobility improvements. As the Final EIR demonstrates for the project, which generates more trips at the relevant intersection than the MBTRA, the identified intersection improvements would eliminate the MBTRA's contribution to an exceedance of the Circulation Element objective in a manner consistent with the Traffic Guideline policies.

Regarding pedestrian facilities, the MBTRA would construct a sidewalk along Alex Road from the property access north to the San Luis Rey River Trail, as well as a sidewalk along the Benet Road frontage from Eddie Jones Way north to the San Luis Rey River access path. These improvements align with the City's goals to improve walkability, reduce automobile dependence, and provide multi-modal transportation options, as outlined in the General Plan Circulation Element and the City's Pedestrian Master Plan.

Additionally, the MBTRA is consistent with the City's Bicycle Master Plan, as it would not require any further improvements to the existing Class II bike lanes along Benet Road or the Class I bike path along the San Luis Rey River Trail. No deficiencies exist with respect to those facilities and thus, the MBTRA does not conflict with the Bicycle Master Plan. The closest NCTD bus route 303 operates approximately 4,300 feet from the site, at Foussat Road and Mission Avenue. Consistent with the Traffic Guidelines, the MBTRA does not trigger the need for any improvements to transit infrastructure, it would not conflict with transit-related policies of the Circulation Element.

As for construction traffic, like the project, construction vehicles working on the MBTRA would access the site via Benet Road and Alex Road, with haul trucks using only Benet Road. Construction would comply with City regulations and construction traffic management policies, including two-way traffic maintenance for any activities within the public right-of-way. The temporary construction traffic would not cause lasting impacts, and the amount of construction traffic is materially lower than MBTRA operation related traffic especially during peak periods. Therefore, like the project, the MBTRA would not conflict with a program, plan, ordinance, or policy addressing traffic from construction activities.

In summary, the MBTRA is in alignment with the City's General Plan Circulation Element and related policies for roadway, pedestrian, bicycle, and transit facilities. With improvements to pedestrian infrastructure, contributions to intersection upgrades, and adherence to construction traffic management protocols, like the project, the MBTRA would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities and impacts are less than significant.

Threshold of Significance:

- Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The MBTRA would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Similar to the project, the MBTRA has been designed to prioritize safety, with access points from Alex Road and Benet Road that meet commercial driveway standards. Large vehicle movements, such as tractor/trailer ingress and egress during operations, will be confined to Benet Road to minimize the potential for hazards. Internal circulation will accommodate both vehicles and pedestrians with designated lanes and walkways, reducing the potential for conflicts between transportation modes. The design does not include any sharp curves, dangerous intersections, or incompatible uses, such as farm equipment, that could substantially increase hazards. All access and internal circulation will comply with City standards, and final plans will be reviewed to ensure safe roadway and emergency access. Therefore, the MBTRA would not substantially increase hazards due to a geometric design feature or incompatible uses, and impacts are less than significant.

Threshold of Significance:

- Would the project result in inadequate emergency access?

The MBTRA would not result in inadequate emergency access. Like the project, the MBTRA has been designed to provide safe and adequate emergency access throughout the property. Primary access would be from Alex Road, with secondary access via Benet Road. Tractor/trailer/truck ingress/egress would be designated for and limited to the Benet Road access drive. Internal

circulation includes 28-foot-wide drives for truck turnarounds and staging, along with a 35-foot-wide fire lane to meet OFD requirements. The design has been developed in consultation with OFD staff to ensure compliance with all relevant standards. No public or private streets would need to be fully closed during construction or operations, and emergency vehicles would have continuous, unimpeded access to the site and surrounding areas.

Additionally, during sidewalk improvements along Alex and Benet Roads, a traffic control plan would maintain access and ensure emergency vehicles can reach the site. The City Traffic Engineer would review and approve this plan. The MBTRA would not conflict with regional or City emergency response plans and will ensure compliance with emergency access standards. Final site plans would be reviewed by OFD and City staff. Further, as Final EIR Section 4.8 and the Wildfire Evacuation Study evaluate and demonstrate, like the project, the less intense MBTRA would not result in inadequate emergency access. Impacts would be less than significant.

Cumulative Impact:

The MBTRA, as conditioned to make the fair share contribution to the intersection improvements, like the project, would not conflict with a program, plan, ordinance, or policy addressing the circulation system. With mitigation, the MBTRA would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b). Just as with the project, and as further addressed in Final EIR Section 4.8 and the Emergency Evacuation Study, the MBTRA complies with applicable public safety standards such that it would not result in inadequate emergency access. As all circulation improvements comply with applicable regulatory standards, and the MBTRA's use is consistent with the General Plan and zoning, the MBTRA would not substantially increase hazards due to a geometric design feature or incompatible use. All cumulative projects would be required to prepare similar transportation studies and VMT analyses to determine potential impacts, provide mitigation if necessary, and pay fair-share fees towards the circulation system if necessary. Cumulative projects would require similar analysis and compliance with applicable standards. Overall, like the more project with its greater intensity, the MBTRA would not contribute to a cumulatively considerable transportation impact as disclosed in Final EIR and elsewhere in the record of proceedings.

UTILITIES AND SERVICE SYSTEMS

Threshold of Significance:

- Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

As the following finding demonstrates, MBTRA impacts would be less than significant as the MBTRA would not require or result in the relocation of new or expanded water, wastewater

treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Water

Like the project, the MBTRA would be in compliance with the General Plan and zoning code, and therefore the identified water demand for the MBTRA's industrial use on the property has been considered in City and regional water supply documents, which are based on the buildout of the City consistent with the General Plan. The MBTRA would utilize existing water infrastructure with no major changes or expansions needed. Water facilities within the area surrounding the property are adequate. Like the project, the MBTRA would connect to available existing public water mains with new laterals on site to serve the MBTRA. The new lateral on site for domestic water service would require 4-inch pipeline, irrigation would require a 2-inch pipeline, and fire service would require an 8-inch pipeline. The proposed connections to existing water facilities would be designed and constructed in accordance with the guidelines, standards, and approved materials of the City.

As discussed in Final EIR Section 4.16, Utilities and Service Systems, the City has reviewed project plans and issued conditions of approval for the project. The MBTRA is subject to corresponding conditions of approval. With the exception of new on-site laterals and connection to the existing public water main, no relocation or construction of new water facilities would be required to provide adequate service to the MBTRA. Based on the analysis and the required conditions of approval, like the project, the less intense MBTRA would not have a substantial adverse effect on water facilities or result in an increase in demand that would require the relocation or construction of new or expanded facilities, the construction or relocation of which could cause significant environmental effects. Impacts related to water demand and service would be less than significant.

Wastewater

Like the project, the MBTRA would not require any off-site sewer pipeline upgrades or wastewater treatment plant improvements to accommodate the additional sewer flows resulting from the less intensive MBTRA. As analyzed in the Final EIR, sufficient wastewater and wastewater treatment capacity exists to service the MBTRA. The MBTRA, like the project, would connect to an existing public sewer main and construct a new 6-inch pipeline on site. The proposed sewer lines within the property would be designed and constructed in accordance with the guidelines, standards, and approved materials of the City, and no relocation or construction of new or expanded wastewater facilities would be required. Additionally, as described above, conditions of approval would be required for water and wastewater service. Therefore, the MBTRA would not have a substantial adverse effect on wastewater facilities or result in an increase in demand that would require the relocation or construction of new or expanded facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant.

Storm Water Drainage

As described and analyzed in the Final EIR including Final EIR Sections 4.8 and 4.16, the MBTRA, similar to the project, would include a new stormwater conveyance system. The MBTRA new storm water conveyance system includes ribbon gutters, curb and gutter, and a detention vault system with modular wetlands for treatment and a force main pump to convey storm water to the existing storm drain located in Benet Road and into an existing storm water structure to the northwest side of the site which drains to the San Luis Rey River Basin. To treat the proposed improvements within the Benet Road right-of-way, tree wells with curb cuts are proposed in the parkway to receive surface drainage from Benet Road. Additionally, the tree wells have been designed to treat the proposed hardscape and manage pollutant control in accordance with the U.S. Environmental Protection Agency's Green Street Design Guidance which conforms with the County of San Diego Green Streets Design. Due to the drainage system and other design features, like the project, the MBTRA would not contribute runoff that would have substantial adverse effect on stormwater drainage or result in an increase in runoff that would require the relocation or construction of new or expanded facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant.

Electric Power, Natural Gas, and Telecommunication Facilities

Like the project, the MBTRA would meet the Title 24 and CALGreen standards to reduce energy demand and increase energy efficiency. Like the project, implementation of the MBTRA would not result in the use of substantial amounts of local or regional energy supplies compared to existing conditions. The MBTRA's resultant increase in energy demand would not exceed the available capacity of SDG&E servicing infrastructure to the site or beyond. The property is already connected to SDG&E's electric grid and no new or additional facilities would be required to serve the MBTRA's electrical needs. Further, like the project, the MBTRA must comply with the CAP requirements relative to the provision of on-site generation of renewable energy. SDG&E would also provide natural gas service to the property. Because the property is already connected to SDG&E's natural gas services, and no new or additional facilities would be required to serve the MBTRA's needs. Like the project, the MBTRA would connect to telecommunications facilities in the surrounding area and would have the option of using a variety of different providers. Therefore, as with the project, the less intensive MBTRA would not require relocation or construction of new or expanded electric power, natural gas and telecommunication facilities which could cause significant environmental effects. Impacts would be less than significant.

Threshold of Significance:

- Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Like the project, the MBTRA would rely on the City of Oceanside's existing water infrastructure, managed by the Water Division, which sources approximately 85% of its water from the San Diego County Water Authority (SDCWA) and the remainder from the Mission Basin Groundwater Purification Facility. Like the project, the MBTRA would be in compliance with the General Plan and zoning code in terms of use and intensity of development, and therefore water demand for the MBTRA's industrial use on the property has been considered in City and regional water supply documents, which are based on the buildout of the City consistent with the General Plan. According to the City's Water Master Plan, industrial land uses have a water demand factor of 2,500 gallons per day, per acre. Therefore, like the project, the MBTRA would generate a water demand of 79,475 gallons per day. According to the City's Urban Water Management Plan (UWMP), which estimates water supply based on General Plan land uses, sufficient water would be available during normal, dry, and multiple-dry years to meet demand. Consistent with the City's Water Conservation Master Plan, like the project, the MBTRA includes water-conserving landscaping and efficient irrigation design. The MBTRA must also comply with all Building Code standards relative to water conservation. Further, the SDCWA has developed a Water Shortage Contingency Plan, which identifies strategies for the region to reduce water consumption during catastrophic events and in drought years. Like the project, the MBTRA would have to comply with water conservation measures imposed by the City pursuant to that plan. In sum, sufficient water supply would be available to serve the MBTRA, and reasonably foreseeable future development, during normal, dry, and multiple dry years. Thus, MBTRA impacts related to water supply would be less than significant.

Threshold of Significance:

- Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As the MBTRA would be an industrial land use, according to the City's Sewer Master Plan, industrial land uses typically generate approximately 1,000 gallons per day of wastewater per acre. Nonetheless, the Final EIR conservatively assumed a wastewater demand of approximately 79,475 gallons per day based on projected water demand. The MBTRA would connect to the public sewer system and install on-site infrastructure to comply with the City's standards. Given the existing and planned capacity of the SLRWRF there exists sufficient capacity to accommodate the MBTRA's wastewater needs, in addition to its existing and projected commitments. Therefore, MBTRA impacts related to wastewater service would be less than significant.

Threshold of Significance:

- Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The MBTRA would adhere to CALGreen Section 5.408.1, which requires a minimum of 65% of non-hazardous construction waste to be recycled or salvaged for use. Solid waste collection and disposal for the MBTRA would be provided by the City of Oceanside through its franchise agreement with Waste Management of North County. Similar to the project, solid waste generated from the MBTRA would be taken to the Palomar Transfer Station in Carlsbad, where it is sorted and transferred to landfills, including El Sobrante Landfill in Riverside County, which is the primary destination for solid waste from Oceanside.

The MBTRA is designed to have four separate buildings, totaling approximately 497,822 square feet of developed area, compared to the single 566,905 square-foot warehouse proposed by the project. This reduction in building area would result in a proportional decrease in solid waste generation compared to the project. Based on the square footage and typical solid waste generation rates for similar industrial facilities, the MBTRA's solid waste generation would align with and not exceed local and state guidelines for waste disposal.

The El Sobrante Landfill, with a daily throughput of 16,054 tons and remaining capacity of 143,977,170 tons, as well as other local landfills, are sufficient to accommodate the solid waste generated by the MBTRA. Given the City of Oceanside's robust waste management infrastructure, which is designed to handle both existing and forecasted solid waste, the MBTRA would not generate solid waste in excess of local infrastructure capacities or impede progress toward achieving solid waste reduction goals, such as those set by state and local mandates for recycling and diversion. Based on the MBTRA's required compliance with applicable state and local regulations to solid waste, waste diversion and recycling at the time of development, the El Sobrante Landfill has sufficient capacity and the MBTRA would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Impacts would be less than significant.

Threshold of Significance:

- Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Similar to the proposed project, the MBTRA would be required to comply with required solid waste and recycling measures as provided in the City's Municipal Code, CALGreen, AB 341, and AB 1826. The MBTRA would comply with the state and City regulations, by providing enclosures with adequate space for solid waste collection, storage, and separation of all recyclable materials in full compliance with mandated regulations and City standards.

The MBTRA would implement best practices in waste management by incorporating dedicated areas for recycling and complying with all applicable state and local laws. This includes measures to reduce the amount of waste sent to landfills through recycling, diversion, and proper waste disposal. As the MBTRA would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, the MBTRA impacts would be less than significant.

Cumulative Impact:

The MBTRA would increase the demand for utilities and service systems, such as water, wastewater, stormwater, solid waste, power, and telecommunications, in a way that aligns with the anticipated growth under the General Plan land use and zoning designations for the property. The Final EIR evaluates the proposed project's impact on existing and projected demand for these facilities, as well as the capacity of the relevant systems to serve the property and any cumulative developments. The analysis in the Final EIR is applicable to the MBTRA due to the similarities between it and the project as it relates to use of utilities and service systems. The Final EIR demonstrates that there is adequate supply and capacity for these utilities, and the MBTRA would not require new or expanded facilities that could lead to significant environmental effects. Like the MBTRA, cumulative projects will also need to analyze their specific impacts on utilities and service systems, including water, wastewater, stormwater, power, telecommunications, and solid waste, ensuring consistency with current and future supply, capacity, and demand. Therefore, similar to the proposed project, the MBTRA would not contribute to a cumulatively significant impact on utilities and service systems.

WILDFIRE

Threshold of Significance:

- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project?
    - Substantially impair an adopted emergency response plan or emergency evacuation plan?

The City of Oceanside relies on its EOP and the San Diego County Operational Area Emergency Plan for disaster preparedness, response, and recovery. The MBTRA, like the project, would comply with these plans and would not physically impair or interfere with the City's EOP. The MBTRA would not disrupt the system for coordinating prevention, preparedness, or response efforts in the City. The MBTRA's development must follow all necessary safety protocols outlined in the EOP and federal National Incident Management System, ensuring that established responsibilities, emergency organization, and communication lines remain unaffected.

The County's EOP outlines comprehensive measures for handling emergencies such as natural disasters, technological incidents, and terrorism. Like the project, the MBTRA would not impair the

County's emergency response systems, mutual aid agreements, or the Emergency Management Organization's operational concepts. The property is not located near any critical emergency operation centers, further minimizing the potential for interference with these plans.

While the property is within a Local Responsibility Area VHFHSZ, as identified by CAL FIRE, like the project, the MBTRA would be designed to meet the most recent California Building Standards Code to reduce potential hazards. The design of the MBTRA would include two access points, one from Benet Road and one from Alex Road, to ensure emergency responders can access the site. Final site plans for the MBTRA would be reviewed by OFD to ensure proper emergency access and to comply with local, fire access standards.

The MBTRA would not require road closures during construction or operations that would impede emergency vehicle access to the property or surrounding areas. All emergency access for the MBTRA would comply with OFD's standards. Further, the Final EIR includes the Wildfire Evacuation Study. That study evaluated the project's, and by extension the MBTRA's because it would be the same as the project as it relates to the matters addressed in that study, consistency with relevant emergency evacuation plans and emergency response plans, discloses the prevention and minimization regulations and measures applicable to the MBTRA, and determined evacuation times for the existing and post-project conditions, as well as provided emergency preparedness information and resources to increase occupant preparedness and facilitate efficient evacuation in the event of an emergency. The Wildfire Evacuation Study is further support for the Final EIR's analysis and determination that the MBTRA would not substantially impair an adopted emergency evacuation plan or emergency response plan. Therefore, like the project, the MBTRA would not substantially impair an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

Threshold of Significance:

- Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The project site is located within a VHFHSZ as defined by CAL FIRE. The MBTRA, like the project, would involve the redevelopment of a previously disturbed property. The MBTRA would be built in compliance with the latest California Building Standards Code, which includes provisions for fire-resistant building materials, construction methods, and features designed to minimize fire risks, specifically in VHFHSZs.

Although the property is relatively flat and located in an urban area, it is adjacent to the San Luis Rey River corridor to the north. The river corridor includes native vegetation that could potentially fuel wildfires. However, like the project, the MBTRA and surrounding area includes features that would reduce wildfire risks. These features include the San Luis Rey River Trail's paved trail that would serves as a fuel break between the property and the vegetation associated with the river corridor. Like the project, the MBTRA would incorporate a floodwall surrounding the property. This wall serves as an additional fuel break in the event of a wildfire from the river corridor. The MBTRA must also incorporate a 100-foot fuel management zone and incorporate

fire-resistant landscaping, irrigation systems, and other ignition reducing measures consistent with the CBC and the California Fire Code (CFC), as adopted by the City of Oceanside.

In summary, while the MBTRA site is in a VHFHSZ, the design and associated features would not exacerbate wildfire risks due to slope, prevailing winds, and other factors and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; impacts would be less than significant.

Threshold of Significance:

- Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Like the proposed project, the MBTRA would be connected to existing infrastructure that is readily available to the site, and it would not require the installation of new roads, power lines, or emergency water sources that would exacerbate fire risk. To the contrary, the MBTRA includes access improvements and road modifications, such as the redesign of the Benet Road entry to incorporate a dedicated right-turn lane, which would serve to manage truck traffic more effectively, reducing the risk of traffic-related fire hazards. In summary, like the project, the MBTRA would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or result in temporary or ongoing impacts to the environment; therefore, impacts would be less than significant.

Threshold of Significance:

- Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes?

The MBTRA would have a similar risk profile regarding flooding, landslides, and drainage changes as the project. The site itself remains relatively flat, and landslide hazards on the property would be less than significant. The MBTRA's development does not introduce new risks for downslope or downstream flooding or landslides as a result of runoff due to post-fire instability. MBTRA's design

would not significantly alter the drainage patterns compared to the existing conditions nor increase the amount of runoff as addressed in Final EIR Sections 4.9 and 4.17.

Therefore, the MBTRA, like the project, would not expose people or structures to significant risks including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes and impacts would be less than significant.

Cumulative Impact:

Like the MBTRA, site plans for all cumulative projects would be subject to compliance with public safety standards, regulatory requirements relative to wildfire hazards and review and approval by the OFD prior to project development. All cumulative projects, like the MBTRA, would be required to assess wildfire risk and demonstrate compliance with applicable standards, regulations and applicable emergency response plans. Like the MBTRA, cumulative projects must be in accordance with the most recent California Building Standards Code, including standards for building materials used in the exterior design and construction of structures located within fire hazard areas. Like the MBTRA, the cumulative projects would need to provide adequate emergency access, not require infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, and not expose people or structures to significant risks related to flooding, landslides, runoff, post-fire instability, or drainage alterations. Therefore, like the project, the MBTRA would not contribute to cumulatively considerable wildfire impacts.

Section III Environmental Effects Mitigated to Below a Level of Significance

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the City finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the MBTRA which mitigate or avoid the identified significant effects on the environment to less than significant levels. The significant effects and mitigation measures are stated fully in the Final EIR and each of the mitigation measures have been imposed. These findings are explained below and are supported by substantial evidence in the record of proceedings. Analysis of the individual findings is set forth below and the record of proceedings includes the substantial evidence supporting the findings.

AIR QUALITY

Threshold of Significance:

- Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Mitigation Measures:

MM-AQ-1 **Require Low-Volatile Organic Compound Coatings During Construction.** The project applicant and/or their contractors shall ensure that low-VOC coatings with daily average VOC content of 45 grams per liter (g/l) or less are used during construction for interior building coatings and follow the requirements of Rule 67.0.1 for exterior building envelop coatings (50 g/l) and traffic marking coatings (100 g/l).

Finding:

The City finds that, with implementation of MM-AQ-1 changes or alterations have been required in, or incorporated into, the MBTRA which mitigate or avoid the significant effects on the environment as the MBTRA would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard with the mitigation.

Facts in Support of Finding:

Construction Emissions:

Similar to the project, construction of the MBTRA would result in temporary emissions from on-site sources, such as off-road construction equipment, soil disturbance, and off-gassing of volatile organic compounds from materials. Off-site emissions would also be generated by vendor and haul trucks, as well as worker vehicle trips. As with the project, the MBTRA would be required to comply with SDAPCD Rule 55 – Fugitive Dust Control, which limits fugitive dust emissions (PM10 and PM2.5) during grading and construction activities. Best management practices required by this rule, such as watering exposed areas at least twice per day, would mitigate dust generation, ensuring that fugitive dust emissions remain below significant levels.

Additionally, to further reduce emissions from construction activities, MM-AQ-1 would be implemented. This measure requires the use of low-VOC coatings during construction, with a daily average VOC content of 45 grams per liter (g/l) or less for interior coatings and compliance with Rule 67.0.1 for exterior building envelope coatings (50 g/l) and traffic marking coatings (100 g/l). The use of low-VOC coatings would reduce VOC emissions during construction.

With the implementation of dust control measures like those required by SDAPCD Rule 55, and the use of low-VOC coatings per MM-AQ-1, construction-related air quality impacts for the MBTRA would be reduced to a less than significant level, similar to the project.

Operational Emissions:

Operational emissions for the MBTRA are expected to be similar to those of the proposed project in terms of criteria air pollutants, including VOC, NOx, CO, SOx, PM10, and PM2.5. While the MBTRA includes 56 dock-high doors and a smaller operational footprint than the project, it would

still generate emissions from mobile sources (e.g., worker vehicles and truck traffic), energy sources (natural gas and electricity consumption), area sources (consumer products and maintenance equipment), and off-road equipment (electric-powered forklifts, pallet jacks, and yard tractors).

The MBTRA features a significant reduction in truck bays, which is anticipated to result in lower emissions from truck traffic compared to the project. Additionally, the MBTRA incorporates design features, such as electric-powered cargo handling equipment, that would help reduce operational emissions. Like the project, the MBTRA would implement strategies such as the Warehouse Project Best Practices to further limit mobile emissions, particularly from the truck fleet used for distribution.

Given the CalEEMod model's operational emissions calculations for the project, and the expectation that the MBTRA will generate fewer emissions due to its reduced scale, the MBTRA is anticipated to stay within SDAPCD's operational emissions thresholds. The MBTRA's design, focused on minimizing emissions from mobile sources (e.g., electric-powered equipment and low-VOC coatings), ensures that operational emissions would remain below significant levels.

Conclusion:

In summary, the construction and operational emissions for the MBTRA would be similar to those of the project, with potential impacts from temporary construction activities and long-term operational emissions. However, through the implementation of dust control practices and mitigation measures such as the use of low-VOC coatings (MM-AQ-1), these impacts would be reduced to less than significant levels. Specifically, with the adherence to SDAPCD Rule 55 for fugitive dust control during construction, and the incorporation of low-VOC coatings during construction and operation, emissions would remain below applicable thresholds set by SDAPCD. Therefore, the MBTRA would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment under federal or state air quality standards. With the implementation of these mitigation measures, the impact would be less than significant.

Threshold of Significance:

- Would the project expose sensitive receptors to substantial pollutant concentrations?

Mitigation Measures:

MM-AQ-1 **Require Low-Volatile Organic Compound Coatings During Construction.** The project applicant and/or their contractors shall ensure that low-VOC coatings with daily average VOC content of 45 grams per liter (g/l) or less are used during construction for interior building coatings and follow the requirements of Rule 67.0.1 for exterior building envelop coatings (50 g/l) and traffic marking coatings (100 g/l).

Finding

The City finds that, with implementation of MM-AQ-1, changes or alterations have been required in, or incorporated into, the MBTRA which mitigate or avoid the significant effects on the environment as the MBTRA would not expose sensitive receptors to substantial concentrations of criteria air pollutant emissions, including substantial VOC pollutant concentrations with the mitigation.

Facts in Support of Finding:

Like the project, the MBTRA could result in direct impacts to air quality as, without mitigation, construction would emit VOC's beyond the applicable threshold of significance. Implementation of mitigation measure MM-AQ-1 will reduce this impact to below a level of significance by utilizing low architectural coatings for (i) interior application that do not exceed VOC of 10 grams per liter; exterior application that do not exceed VOC content of 50 grams per liter; and (ii)parking application that do not exceed VOC content of 100 grams per liter. As the Final EIR documents, use of the reduced VOC content architectural coatings required by MM-AQ-1 will reduce the potential VOC emissions during construction below the SDAPCD's thresholds of significance for VOCs. Therefore, with incorporation of this measure, the MBTRA would not expose sensitive receptors to substantial concentrations of criteria air pollutant emissions, including substantial VOC pollutant concentrations with the mitigation. Impacts are less than significant with mitigation.

BIOLOGICAL RESOURCES

Threshold of Significance:

- Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Mitigation Measures:

MM-BIO-1 **Nesting Bird Surveys.** Construction-related ground-disturbing activities (e.g., clearing/grubbing, grading, and other intensive activities) that occur during the breeding season (typically February 1 through September 15) shall require a one-time biological survey for nesting bird species to be conducted within the limits of grading and a 500-foot buffer within 72 hours prior to construction. This survey is necessary to ensure avoidance of impacts to nesting raptors and/or birds protected by the federal Migratory Bird Treaty Act and California Fish and Game Code, Sections 3503 and 3513. If any active nests are detected, the area shall be flagged and mapped on the

construction plans or a biological resources figure, and the information provided to the construction supervisor and any personnel working near the nest buffer. Active nests will have buffers established around them (e.g., 250 feet for passerines and 500 feet for raptors) by the project biologist in the field with brightly colored flagging tape, conspicuous fencing, or other appropriate barriers or signage. The project biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. The project biologist may adjust the 250-foot or 500-foot setback at their discretion depending on the species and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation). However, if needed, additional qualified monitors shall be provided in order to monitor active nests or other project activities in order to ensure all the project biologist's duties are completed. Once the nest is no longer occupied for the season, construction may proceed in the setback areas.

MM-BIO-2 **Biological Monitoring.** To prevent inadvertent disturbance to areas outside the limits of grading for each phase, all grading of native habitat shall be monitored by a qualified biologist with 5 years of experience in biological resource evaluation in San Diego County. The qualified biological monitor(s) shall be familiar with the local flora/fauna and shall be contracted to perform biological monitoring during all clearing and grubbing activities.

The project biologist(s) also shall:

A. Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing and grubbing to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).

B. During clearing and grubbing, conduct meetings with the contractor and other key construction personnel each morning prior to construction activities to go over the proposed activities for the day, and for the monitor(s) to describe the importance of restricting work to designated areas and of minimizing harm to or harassment of wildlife prior to clearing and grubbing.

C. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing and grubbing.

D. Supervise and monitor vegetation clearing and grubbing weekly to ensure against direct and indirect impacts to biological resources that are intended to be protected and preserved and to document that protective fencing is intact.

E. Flush wildlife species (i.e., reptiles, mammals, avian, or other mobile species) from occupied habitat areas immediately prior to brush-clearing activities. This does not include disturbance of nesting birds (see MM-BIO-1).

F. Periodically monitor the construction site to verify that the project is implementing the following stormwater pollution prevention plan best management practices: dust control, silt fencing, removal of construction debris and a clean work area, covered trash receptacles that are animal-proof and weather-proof, prohibition of pets on the construction site, and a speed limit of 15 mph during daylight.

G. Periodically monitor the construction site after grading is completed and during the construction phase to see that artificial security light fixtures are directed away from open space and are shielded, and to document that no unauthorized impacts have occurred.

H. Keep monitoring notes for the duration of the proposed project for submittal in a final report to substantiate the biological supervision of the vegetation clearing and grading activities and the protection of the biological resources.

I. Prepare a monitoring report after the construction activities are completed, which describes the biological monitoring activities, including a monitoring log; photos of the site before, during, and after the grading and clearing activities; and a list of any special-status species observed.

MM-BIO-3 **Temporary Installation of Fencing.** To prevent inadvertent disturbance to areas outside the limits of grading for each phase, the contractor shall install temporary fencing, or utilize existing fencing, along the limits of grading.

MM-BIO-4 **Invasive Species Prohibition.** The final landscape plans shall be reviewed by the project biologist and a qualified botanist to confirm that there are no invasive plant species as included on the most recent version of the California Invasive Plant Council Inventory for the project region. In addition, any planting stock to be brought onto the project site for landscape or habitat

creation/restoration/ enhancement will 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 (*Linepithema humile*), fire ants (*Solenopsis invicta*), and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the U.S. Fish and Wildlife Service that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. All temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape adjacent to the on-site preserve.

Upon completion of construction, to avoid and minimize the presence of predators and brown-headed cowbirds on site, signs will be placed around the site near trash containers reminding people to pick up and throw away their trash properly. In addition, trash will be removed as required to prevent overflow of trash from closed trash receptacles. All trash cans will have secure lids to prevent scattering of litter. The dumpsters and recycling enclosures will be fitted with lids and kept closed to avoid attraction of scavenging mammals and birds including rats, opossum, raccoon, ravens, crows, gulls, and cowbirds. Spoil, trash, or any debris will be removed off site to an approved disposal facility.

Finding

The City finds, with implementation of mitigation measures MM-BIO-1 through MM-BIO-4, changes or alterations have been required in, or incorporated into, the MBTRA which mitigate or avoid the significant effects on the environment as the MBTRA would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Facts in Support of Finding:

Like the project, the MBTRA would only directly impact disturbed habitat and developed land through vegetation clearing, grubbing, and grading activities. Surveys demonstrate that the MBTRA would not directly impact any special-status plants. Thus, the MBTRA would not directly cause habitat modification that would result in substantial adverse effects on any species identified as candidate, sensitive, or special-status according to local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Two special-status wildlife species, the Belding's orange-throated whiptail and northern harrier, have been observed in the vicinity of the property. Two additional special-status species, San Diego tiger whiptail and Cooper's hawk, have the potential to occur within the property, but were not directly observed during surveys. Those species may occasionally use the disturbed habitat on-site such that the MBTRA could result in the loss of some foraging and/or breeding and nesting habitat for those species. A potential also exists for the MBTRA to impact bird nests on the property or take migratory birds contrary to the Migratory Bird Treaty Act and other regulations during construction. Any potentially significant impacts would be mitigated to less than significant through specific measures outlined in MM-BIO-1, MM-BIO-2, and MM-BIO-3, which include nesting bird surveys, biological monitoring, and temporary installation of fencing. Implementation of mitigation measure MM-BIO-1 would reduce potential impacts by ensuring that nesting bird surveys are conducted prior to construction activities during the breeding season. By identifying active nests and establishing buffers around them, this measure helps avoid disturbance to nesting raptors and protected bird species, thus minimizing potential impacts on their populations. Mitigation measure MM-BIO-2 would reduce impacts by implementing biological monitoring during all clearing and grubbing activities. The presence of a qualified biologist helps ensure that construction activities are conducted in accordance with regulations and mitigation measures, minimizing inadvertent disturbance to sensitive habitats and species. Mitigation measure MM-BIO-3 would reduce impacts by installing temporary fencing along the limits of grading for each construction phase. This measure helps prevent unauthorized access to areas outside the construction zone, reducing the potential for disturbance to natural habitats and wildlife.

As disclosed in the Final EIR, like the project, the MBTRA could also cause short-term or temporary indirect impacts on adjacent special-status vegetation communities and plants due to construction-related activities such as dust generation, changes in hydrology, and chemical pollutants. Further, introduction of invasive plant species and the reintroduction of human activities at the property could result in indirect impacts. Just as with the project, the MBTRA could result in short-term, construction-related, or temporary indirect impacts to special-status wildlife species that may occur adjacent to the biological study area such as the northern harrier, least Bell's vireo (Vireo bellii pusillus), southwestern willow flycatcher (Empidonax traillii extimus), coastal California gnatcatcher, Southern California rufous-crowned sparrow [Aimophila ruficeps canescens], Southern California legless lizard [Anniella stebbinsi], and orange-throated whiptail.

Through a combination of compliance with laws, PDFs and mitigation measures, MBTRA impacts would be less than significant. Compliance with regulations such as the National Pollution Discharge Elimination System and the BMPs required by the same would avoid potential erosion, sedimentation and chemical pollution from construction-related impacts. Compliance with SDAPCD Rule 55, which requires the restriction of visible emissions of fugitive dust beyond the property line, would provide protection against significant impacts related to fugitive dust. Furthermore, as an element of the design, the MBTRA aligns with the Subarea Plan by maintaining a 100-foot biological buffer (and revegetating the on-site portion with native plants) from the San

Luis Rey River and incorporating design features that minimize edge effects. As described above, implementation of MM-BIO-1 through MM-BIO-4 would contribute to the less than significant indirect impact determination. Mitigation measure MM-BIO-4 would also serve to reduce indirect impacts by ensuring the final landscape plans exclude invasive plant species and conducting inspection of planting stock for pest species. By preventing the introduction of invasive species and pests, this measure helps protect native habitats and species from potential harm and maintains ecosystem integrity.

As with the project, the MBTRA has the potential to have long-term or permanent indirect impacts to special-status vegetation and wildlife species that may occur adjacent to the property through the introduction of non-native, invasive plant and animal species and increased human activity. With the establishment of the 100-foot buffer between the MBTRA operations and the San Luis Rey River, these long-term effects would be minimized. Required compliance with City regulations requiring outdoor lighting to be directed down and away from the San Luis Rey River, would similarly avoid impacts. With the prohibition of invasive species used in the landscape plans as described in MM-BIO-4, any potential indirect impacts related to invasive plant species would be less than significant

In sum, with the incorporation of the above mitigation measures, compliance with relevant laws and regulations, conditions of approval and plans, the MBTRA would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Impacts are less than significant with mitigation.

Threshold of Significance:

- Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

MM-BIO-1 **Nesting Bird Surveys.** Construction-related ground-disturbing activities (e.g., clearing/grubbing, grading, and other intensive activities) that occur during the breeding season (typically February 1 through September 15) shall require a one-time biological survey for nesting bird species to be conducted within the limits of grading and a 500-foot buffer within 72 hours prior to construction. This survey is necessary to ensure avoidance of impacts to nesting raptors and/or birds protected by the federal Migratory Bird Treaty Act and California Fish and Game Code, Sections 3503 and 3513. If any active nests are detected, the area shall be flagged and mapped on the construction plans or a biological resources figure, and the information provided to the construction supervisor and any personnel working near the

nest buffer. Active nests will have buffers established around them (e.g., 250 feet for passerines and 500 feet for raptors) by the project biologist in the field with brightly colored flagging tape, conspicuous fencing, or other appropriate barriers or signage. The project biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. The project biologist may adjust the 250-foot or 500-foot setback at their discretion depending on the species and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation). However, if needed, additional qualified monitors shall be provided in order to monitor active nests or other project activities in order to ensure all the project biologist's duties are completed. Once the nest is no longer occupied for the season, construction may proceed in the setback areas.

MM-BIO-2 **Biological Monitoring.** To prevent inadvertent disturbance to areas outside the limits of grading for each phase, all grading of native habitat shall be monitored by a qualified biologist with 5 years of experience in biological resource evaluation in San Diego County. The qualified biological monitor(s) shall be familiar with the local flora/fauna and shall be contracted to perform biological monitoring during all clearing and grubbing activities.

The project biologist(s) also shall:

A. Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing and grubbing to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).

B. During clearing and grubbing, conduct meetings with the contractor and other key construction personnel each morning prior to construction activities to go over the proposed activities for the day, and for the monitor(s) to describe the importance of restricting work to designated areas and of minimizing harm to or harassment of wildlife prior to clearing and grubbing.

C. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing and grubbing.

D. Supervise and monitor vegetation clearing and grubbing weekly to ensure against direct and indirect impacts to biological resources that are

intended to be protected and preserved and to document that protective fencing is intact.

E. Flush wildlife species (i.e., reptiles, mammals, avian, or other mobile species) from occupied habitat areas immediately prior to brush-clearing activities. This does not include disturbance of nesting birds (see MM-BIO-1).

F. Periodically monitor the construction site to verify that the project is implementing the following stormwater pollution prevention plan best management practices: dust control, silt fencing, removal of construction debris and a clean work area, covered trash receptacles that are animal-proof and weather-proof, prohibition of pets on the construction site, and a speed limit of 15 mph during daylight.

G. Periodically monitor the construction site after grading is completed and during the construction phase to see that artificial security light fixtures are directed away from open space and are shielded, and to document that no unauthorized impacts have occurred.

H. Keep monitoring notes for the duration of the proposed project for submittal in a final report to substantiate the biological supervision of the vegetation clearing and grading activities and the protection of the biological resources.

I. Prepare a monitoring report after the construction activities are completed, which describes the biological monitoring activities, including a monitoring log; photos of the site before, during, and after the grading and clearing activities; and a list of any special-status species observed.

MM-BIO-3 **Temporary Installation of Fencing.** To prevent inadvertent disturbance to areas outside the limits of grading for each phase, the contractor shall install temporary fencing, or utilize existing fencing, along the limits of grading.

MM-BIO-4 **Invasive Species Prohibition.** The final landscape plans shall be reviewed by the project biologist and a qualified botanist to confirm that there are no invasive plant species as included on the most recent version of the California Invasive Plant Council Inventory for the project region. In addition, any planting stock to be brought onto the project site for landscape or habitat creation/restoration/ enhancement will 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 (*Linepithema humile*), fire ants

(*Solenopsis invicta*), and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the U.S. Fish and Wildlife Service that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. All temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape adjacent to the on-site preserve.

Upon completion of construction, to avoid and minimize the presence of predators and brown-headed cowbirds on site, signs will be placed around the site near trash containers reminding people to pick up and throw away their trash properly. In addition, trash will be removed as required to prevent overflow of trash from closed trash receptacles. All trash cans will have secure lids to prevent scattering of litter. The dumpsters and recycling enclosures will be fitted with lids and kept closed to avoid attraction of scavenging mammals and birds including rats, opossum, raccoon, ravens, crows, gulls, and cowbirds. Spoil, trash, or any debris will be removed off site to an approved disposal facility.

Finding:

The City finds, with implementation of mitigation measures MM-BIO-1 through MM-BIO-4, changes or alterations have been required in, or incorporated into, the MBTRA which mitigate or avoid the significant effects on the environment as the MBTRA would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Facts in Support of Finding:

Although the property is identified in the draft SAP as being within the Wildlife Corridor Preserve Zone, the property does not support coastal sage scrub and has been previously developed and disturbed by to the decades of industrial use. The Final EIR's Biological Technical Report determined that the enter property contains only Urban/Developed and Disturbed Habitat that, along with the industrial use, have prevented the site from serving as a wildlife movement corridor. The site does not contain habitat for coastal California gnatcatcher, nor does it function as a steppingstone for dispersing coastal California gnatcatchers. Therefore, direct impacts would be less than significant as the MBTRA would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, nor impede the use of native wildlife nursery sites.

Like the project, short-term indirect impacts to habitat connectivity and wildlife corridors could result from increased human activity associated with the MBTRA construction. However, project construction would occur during the daytime and would not affect wildlife species, such as mammals, that are most active in the evenings and nighttime. Wildlife species such as birds, rabbits, and lizards which are active during the day, could continue utilizing other habitats within and adjacent to the biological study area for wildlife movement. Further, the MBTRA must comply with the City noise limits that regulate maximum construction noise levels. Potential short-term indirect wildlife movement impacts relative to construction would be mitigated to less than significant through implementation of MM-BIO-1, MM-BIO-2, and MM-BIO-3, which include nesting bird surveys, biological monitoring, and temporary installation of fencing. Implementation of mitigation measure MM-BIO-1 would reduce potential impacts by ensuring that nesting bird surveys are conducted prior to construction activities during the breeding season. This would avoid disturbing nesting birds, particularly species protected under the Migratory Bird Treaty Act, by identifying active nests and establishing appropriate buffers around them. MM-BIO-2 would provide continuous biological monitoring during clearing and grubbing activities to ensure that wildlife movement is not disrupted, and sensitive species are protected from inadvertent disturbance. The temporary fencing required by MM-BIO-3 would further prevent encroachment into sensitive areas and guide wildlife away from construction zones, thus minimizing the potential for impacts to wildlife corridors.

As disclosed in the Final EIR, like the project, the MBTRA could also cause long-term indirect impacts such as increased human activity or lighting, which could deter wildlife from utilizing nearby habitats. However, similar to the project, the MBTRA would be located on a previously disturbed site that has not served as wildlife corridor. The establishment of the MBTRA's buffer between the active industrial uses of the MBTRA and off-site sensitive wildlife habitats, such as the San Luis Rey River, would help avoid long-term impacts. Furthermore, lighting would be designed to minimize light pollution and comply with local ordinances imposing directional and shading requirements, which would reduce potential disruption to nocturnal wildlife species. Compliance with the City's Municipal Code and the CALGreen Standards Code would ensure that light pollution is minimized. With the implementation of MM-BIO-4, which requires invasive species management, the MBTRA operations would not interfere substantially with the movement of native or migratory species or disrupt wildlife corridors. As a result, long-term indirect impacts to wildlife movement would be reduced to less than significant levels.

In summary, with implementing measures identified in PDF-AQ-3 to further minimize air quality, health risk and GHG impacts through measures such as limits on heavy equipment and truck idling, low VOC paints and worker education, incorporation of the above mitigation measures and compliance with relevant laws and regulations, the MBTRA would not substantially interfere with the movement of any native resident or migratory fish or wildlife species, nor with established native resident or migratory wildlife corridors, nor impede the use of native wildlife nursery sites. Impacts would be less than significant with mitigation.

Threshold of Significance:

- Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

MM-BIO-1 **Nesting Bird Surveys.** Construction-related ground-disturbing activities (e.g., clearing/grubbing, grading, and other intensive activities) that occur during the breeding season (typically February 1 through September 15) shall require a one-time biological survey for nesting bird species to be conducted within the limits of grading and a 500-foot buffer within 72 hours prior to construction. This survey is necessary to ensure avoidance of impacts to nesting raptors and/or birds protected by the federal Migratory Bird Treaty Act and California Fish and Game Code, Sections 3503 and 3513. If any active nests are detected, the area shall be flagged and mapped on the construction plans or a biological resources figure, and the information provided to the construction supervisor and any personnel working near the nest buffer. Active nests will have buffers established around them (e.g., 250 feet for passerines and 500 feet for raptors) by the project biologist in the field with brightly colored flagging tape, conspicuous fencing, or other appropriate barriers or signage. The project biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. The project biologist may adjust the 250-foot or 500-foot setback at their discretion depending on the species and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation). However, if needed, additional qualified monitors shall be provided in order to monitor active nests or other project activities in order to ensure all the project biologist's duties are completed. Once the nest is no longer occupied for the season, construction may proceed in the setback areas.

MM-BIO-2 **Biological Monitoring.** To prevent inadvertent disturbance to areas outside the limits of grading for each phase, all grading of native habitat shall be monitored by a qualified biologist with 5 years of experience in biological resource evaluation in San Diego County. The qualified biological monitor(s) shall be familiar with the local flora/fauna and shall be contracted to perform biological monitoring during all clearing and grubbing activities.

The project biologist(s) also shall:

A. Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing and grubbing to reduce conflict

between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).

B. During clearing and grubbing, conduct meetings with the contractor and other key construction personnel each morning prior to construction activities to go over the proposed activities for the day, and for the monitor(s) to describe the importance of restricting work to designated areas and of minimizing harm to or harassment of wildlife prior to clearing and grubbing.

C. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing and grubbing.

D. Supervise and monitor vegetation clearing and grubbing weekly to ensure against direct and indirect impacts to biological resources that are intended to be protected and preserved and to document that protective fencing is intact.

E. Flush wildlife species (i.e., reptiles, mammals, avian, or other mobile species) from occupied habitat areas immediately prior to brush-clearing activities. This does not include disturbance of nesting birds (see MM-BIO-1).

F. Periodically monitor the construction site to verify that the project is implementing the following stormwater pollution prevention plan best management practices: dust control, silt fencing, removal of construction debris and a clean work area, covered trash receptacles that are animal-proof and weather-proof, prohibition of pets on the construction site, and a speed limit of 15 mph during daylight.

G. Periodically monitor the construction site after grading is completed and during the construction phase to see that artificial security light fixtures are directed away from open space and are shielded, and to document that no unauthorized impacts have occurred.

H. Keep monitoring notes for the duration of the proposed project for submittal in a final report to substantiate the biological supervision of the vegetation clearing and grading activities and the protection of the biological resources.

I. Prepare a monitoring report after the construction activities are completed, which describes the biological monitoring activities, including a monitoring log; photos of the site before, during, and after the grading and clearing activities; and a list of any special-status species observed.

MM-BIO-3 **Temporary Installation of Fencing.** To prevent inadvertent disturbance to areas outside the limits of grading for each phase, the contractor shall install temporary fencing, or utilize existing fencing, along the limits of grading.

MM-BIO-4 **Invasive Species Prohibition.** The final landscape plans shall be reviewed by the project biologist and a qualified botanist to confirm that there are no invasive plant species as included on the most recent version of the California Invasive Plant Council Inventory for the project region. In addition, any planting stock to be brought onto the project site for landscape or habitat creation/restoration/ enhancement will 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 (*Linepithema humile*), fire ants (*Solenopsis invicta*), and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the U.S. Fish and Wildlife Service that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. All temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape adjacent to the on-site preserve.

Upon completion of construction, to avoid and minimize the presence of predators and brown-headed cowbirds on site, signs will be placed around the site near trash containers reminding people to pick up and throw away their trash properly. In addition, trash will be removed as required to prevent overflow of trash from closed trash receptacles. All trash cans will have secure lids to prevent scattering of litter. The dumpsters and recycling enclosures will be fitted with lids and kept closed to avoid attraction of scavenging mammals and birds including rats, opossum, raccoon, ravens, crows, gulls, and cowbirds. Spoil, trash, or any debris will be removed off site to an approved disposal facility.

Findings:

The City finds, with implementation of mitigation measures MM-BIO-1 through MM-BIO-4, changes or alterations have been required in, or incorporated into, the MBTRA which mitigate or

avoid the significant effects on the environment as the MBTRA would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Facts in Support of Findings:

The property does not include any native trees or unique vegetation or wildlife habitats. The site has been previously developed and utilized for industrial purposes and it consists of disturbed habitat and urban/developed land. As such, like the project, the MBTRA would not disturb unique vegetation or wildlife habitats, resources with significant scenic, ecological, or recreational value, nor endangered or threatened species as outlined in the City's General Plan Policies 3.11B, 3.11D, and 3.11E. Therefore, the MBTRA would not conflict with these General Plan policies.

The City of Oceanside landscape regulations require a tree survey showing all existing trees to be relocated or removed, with a 1:1 replacement ratio based on diameter at breast height for canopy trees and brown trunk height for palms. The property is heavily disturbed and does not contain native trees, a tree survey is not required under the City's regulations. The MBTRA would not result in the removal of any native trees and would be consistent with the City's landscape regulations. If ornamental trees are present and removed as part of site development, like the project, the MBTRA would comply with the City's tree replacement requirements, ensuring no net loss of urban tree canopy. The MBTRA would also exceed the minimum tree canopy requirement established by the City's Municipal Code.

The City's General Plan biological resource policies, including Policy 3.11A and 3.11C, call for the protection and preservation of biological resources, or mitigation for impacts when habitat modification is unavoidable. Like the project, the MBTRA is consistent with these policies, as it would not result in the modification of native vegetation or sensitive habitats. However, as with the project and as addressed in prior findings, the MBTRA may have the potential to cause significant indirect impacts on sensitive biological resources. In addition to the design features such as the maintenance of a 100-foot buffer from the San Luis Rey River and regulatory compliance with lighting and noise regulations and policies, the MBTRA would result in less than significant impacts through the implementation of mitigation measures MM-BIO-1 through MM-BIO-4. Mitigation measure MM-BIO-1, which requires nesting bird surveys, ensures that active nests of protected bird species are identified before construction begins, preventing disturbance to nesting birds by implementing buffer zones around active nests. MM-BIO-2 provides for biological monitoring during construction to ensure that sensitive species are not disturbed and that wildlife movement is not disrupted. MM-BIO-3 includes the installation of temporary fencing to prevent wildlife from entering construction zones, guiding them safely around the site and minimizing the risk of disruption to their movement or direct harm from construction activities. Finally, MM-BIO-4 prohibits the introduction or spread of invasive species, maintaining the integrity of native habitats

and ensuring that wildlife can continue to thrive in the area without competition from non-native species.

In summary, with the incorporation of the above mitigation measures and compliance with laws, the MBTRA would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Impacts would be less than significant with mitigation.

Threshold of Significance:

- Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

MM-BIO-1 **Nesting Bird Surveys.** Construction-related ground-disturbing activities (e.g., clearing/grubbing, grading, and other intensive activities) that occur during the breeding season (typically February 1 through September 15) shall require a one-time biological survey for nesting bird species to be conducted within the limits of grading and a 500-foot buffer within 72 hours prior to construction. This survey is necessary to ensure avoidance of impacts to nesting raptors and/or birds protected by the federal Migratory Bird Treaty Act and California Fish and Game Code, Sections 3503 and 3513. If any active nests are detected, the area shall be flagged and mapped on the construction plans or a biological resources figure, and the information provided to the construction supervisor and any personnel working near the nest buffer. Active nests will have buffers established around them (e.g., 250 feet for passerines and 500 feet for raptors) by the project biologist in the field with brightly colored flagging tape, conspicuous fencing, or other appropriate barriers or signage. The project biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. The project biologist may adjust the 250-foot or 500-foot setback at their discretion depending on the species and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation). However, if needed, additional qualified monitors shall be provided in order to monitor active nests or other project activities in order to ensure all the project biologist's duties are completed. Once the nest is no longer occupied for the season, construction may proceed in the setback areas.

MM-BIO-2 **Biological Monitoring.** To prevent inadvertent disturbance to areas outside the limits of grading for each phase, all grading of native habitat shall be monitored by a qualified biologist with 5 years of experience in biological

resource evaluation in San Diego County. The qualified biological monitor(s) shall be familiar with the local flora/fauna and shall be contracted to perform biological monitoring during all clearing and grubbing activities.

The project biologist(s) also shall:

A. Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing and grubbing to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).

B. During clearing and grubbing, conduct meetings with the contractor and other key construction personnel each morning prior to construction activities to go over the proposed activities for the day, and for the monitor(s) to describe the importance of restricting work to designated areas and of minimizing harm to or harassment of wildlife prior to clearing and grubbing.

C. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing and grubbing.

D. Supervise and monitor vegetation clearing and grubbing weekly to ensure against direct and indirect impacts to biological resources that are intended to be protected and preserved and to document that protective fencing is intact.

E. Flush wildlife species (i.e., reptiles, mammals, avian, or other mobile species) from occupied habitat areas immediately prior to brush-clearing activities. This does not include disturbance of nesting birds (see MM-BIO-1).

F. Periodically monitor the construction site to verify that the project is implementing the following stormwater pollution prevention plan best management practices: dust control, silt fencing, removal of construction debris and a clean work area, covered trash receptacles that are animal-proof and weather-proof, prohibition of pets on the construction site, and a speed limit of 15 mph during daylight.

G. Periodically monitor the construction site after grading is completed and during the construction phase to see that artificial security light fixtures

are directed away from open space and are shielded, and to document that no unauthorized impacts have occurred.

H. Keep monitoring notes for the duration of the proposed project for submittal in a final report to substantiate the biological supervision of the vegetation clearing and grading activities and the protection of the biological resources.

I. Prepare a monitoring report after the construction activities are completed, which describes the biological monitoring activities, including a monitoring log; photos of the site before, during, and after the grading and clearing activities; and a list of any special-status species observed.

MM-BIO-3 **Temporary Installation of Fencing.** To prevent inadvertent disturbance to areas outside the limits of grading for each phase, the contractor shall install temporary fencing, or utilize existing fencing, along the limits of grading.

MM-BIO-4 **Invasive Species Prohibition.** The final landscape plans shall be reviewed by the project biologist and a qualified botanist to confirm that there are no invasive plant species as included on the most recent version of the California Invasive Plant Council Inventory for the project region. In addition, any planting stock to be brought onto the project site for landscape or habitat creation/restoration/ enhancement will 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 (*Linepithema humile*), fire ants (*Solenopsis invicta*), and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the U.S. Fish and Wildlife Service that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. All temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape adjacent to the on-site preserve.

Upon completion of construction, to avoid and minimize the presence of predators and brown-headed cowbirds on site, signs will be placed around the site near trash containers reminding people to pick up and throw away their trash properly. In addition, trash will be removed as required to prevent overflow of trash from closed trash receptacles. All trash cans will have secure lids to prevent scattering of litter. The dumpsters and recycling

enclosures will be fitted with lids and kept closed to avoid attraction of scavenging mammals and birds including rats, opossum, raccoon, ravens, crows, gulls, and cowbirds. Spoil, trash, or any debris will be removed off site to an approved disposal facility.

Findings:

The City finds, with implementation of mitigation measures MM-BIO-1 through MM-BIO-4, changes or alterations have been required in, or incorporated into, the MBTRA which mitigate or avoid the significant effects on the environment as the MBTRA would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Facts in Support of Findings:

No applicable and adopted or approved Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan exist. Consistent with City policy, the MBTRA was evaluated for consistency with the draft SAP. As the MBTRA is located on the same site and within the same general footprint as the project, like the project, the MBTRA would have less than significant impacts as it relates to conflicts with the draft SAP. For example, with respect to potential edge effects and consistent with Section 5.2.4 of the draft SAP, the MBTRA would maintain a 100-foot biological buffer from the adjacent San Luis Rey River, revegetation the portion of that 100-foot buffer on the property with native vegetation, implementing the measures identified in PDF-AQ-3 to further minimize air quality, health risk and GHG impacts, and complying with applicable City noise standards. Lighting associated with the MBTRA would also be directed downward and away from the San Luis Rey River, minimizing light pollution in sensitive wildlife areas, consistent with the City's lighting regulations. These and other design features are consistent with the draft Subarea Plan and support this finding that the MBTRA would not conflict with the draft SAP.

In addition, implementation of mitigation measures MM-BIO-1 through MM-BIO-4 would further ensure that the MBTRA does not conflict with the draft SAP. MM-BIO-1 involves conducting nesting bird surveys to identify and avoid disturbing protected species during construction. This measure would mitigate potential impacts to avian species and ensure compliance with the draft SAP's goals and policies. MM-BIO-2 provides for biological monitoring during construction, ensuring that construction activities do not disrupt wildlife movement or harm sensitive species consistent with the draft SAP. MM-BIO-3 includes the installation of temporary fencing to prevent wildlife from entering construction zones, helping guide them away from areas where they may be exposed to construction activities. Finally, MM-BIO-4 addresses invasive species management consistent with the SAP by preventing non-native species from displacing native vegetation and wildlife.

In summary, with the incorporation of the above mitigation measures, the MBTRA would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Impacts would be less than significant with mitigation.

CULTURAL RESOURCES

Threshold of Significance:

- Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

Mitigation Measures:

MM-CUL-1 Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe. A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and Tribal Cultural Resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities. Through consultation with the Tribes that consulted on the project and with their consent, certain artifacts may be made available for 3D scanning/printing, with scanned/printed materials to be curated at a local repository meeting the federal standards of 36CFR79.

MM-CUL-2 Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Oceanside Planning Division stating that a Qualified Archaeologist and Luiseño Native American Monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement.

MM-CUL-3 The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Luiseño Native American Monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the City of Oceanside Planning Division of the start and end of all ground disturbing activities.

MM-CUL-4 The Qualified Archaeologist and Luiseño Native American Monitor shall attend all applicable preconstruction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and Luiseño Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground altering activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or Tribal Cultural Resources. All fill materials shall be absent of any and all Tribal Cultural Resources.

MM-CUL-5 In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" for CA-SDI- 5345 shall be prepared by a Qualified Archaeologist, in consultation with the other TCA Luiseño Tribes that have participated in the state-prescribed process for this project, and the Applicant/Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and Luiseño Native American Monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be included in the Grading Plan Submittals for the Grading Permit.

MM-CUL-6 The Qualified Archaeologist or the Luiseño Native American Monitor may halt ground disturbing activities if unknown Tribal Cultural Resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and before grading proceeds these items shall be secured until they can be repatriated. If items cannot be securely stored on the project site, they may be stored in off-site

facilities located in San Diego County. If the Qualified Archaeologist and Luiseño Native American monitor determine that the unearthed tribal cultural resource, artifact deposits or cultural features are considered potentially significant TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the lead agency under CEQA, TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant Tribal Cultural Resources, artifact deposits or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project. If the Qualified Archaeologist collects such resources, the Luiseño Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the Tribal Cultural Resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor, may at their discretion, collect said resources and provide them to the appropriate TCA Luiseño Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the Luiseño Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected.

MM-CUL-7 The landowner shall relinquish ownership of all Tribal Cultural Resources unearthed during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the appropriate TCA Luiseño Tribe, as determined through the appropriate process, for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native

American Heritage Commission per California Public Resources Code Section 5097.98. No Tribal Cultural Resources shall be subject to curation.

MM-CUL-8 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City of Oceanside Planning Division for approval.

MM-CUL-9 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Luiseño Native American monitor. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendant.

Finding

The City finds that, with implementation of mitigation measures MM-CUL-1 through MM-CUL-9, changes or alterations have been required in, or incorporated into, the MBTRA which mitigate or avoid the significant effects on the environment as the MBTRA would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Facts in Support of Finding:

Despite no significant archaeological resources being identified in the studies of the property, the Final EIR recognizes the potential for development of the MBTRA to impact unknown archaeological resources. The potential for such a find necessitated the imposition of mitigation requiring implementation of monitoring by a qualified archaeologist and construction protocols to protect against potentially significant impacts. The MBTRA is required to implement the City's standard cultural mitigation measures identified in the Final EIR as MM-CUL-1 through MM-CUL-9. Although not all of those mitigation measures necessarily apply to every unique archaeological resource that may be found, MM-CUL-1 and MM-CUL-2 relate to the retention of qualified monitors of the MBTRA's ground disturbing activities for purposes of identifying potentially qualifying archaeological resources. MM-CUL-3 requires the monitoring program be identified on all construction documents and notification of the City at the start and end of all ground disturbing activities. MM-CUL-4 requires the monitors attend all pre-constructing meetings and be present full-time during grubbing, grading, placement of fill and other initial ground disturbing activities. MM-CUL-5 identifies the grading procedures that would apply if significant archeological impacts are detected. MM-CUL-6 requires specific procedures and substantive requirements that will apply if applicable resources are identified including testing and when to stop or restart grading activities. To the extent applicable to the unique archaeological resources, MM-CUL-7 requires the landowner to relinquish ownership of all resources unearthed. MM-CUL-8 requires a monitoring report and/or evaluation report to be submitted to the City prior to release of the grading bond. Together, implementation of the imposed mitigation measures would reduce to less than significant any potential for the MBTRA to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5

TRAFFIC AND CIRCULATION

Threshold of Significance:

- Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Mitigation Measures:

MM-TRA-1 The project applicant will be required to implement a Voluntary Employer Commute Program in order to reduce trips. The program may include a carpool or vanpool system, subsidized or discount transit passes, bike amenities, commute trip reduction marketing, and/or preferential parking permit program. This mitigation measure would result in a VMT reduction of 6.2%.

Finding

The City finds that, with implementation of mitigation measure MM-TRA-1, changes or alterations have been required in, or incorporated into, the MBTRA which mitigate or avoid the significant effects on the environment as the MBTRA would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Facts in Support of Finding:

Like the project, the MBTRA would re-introduce industrial uses to the same property using the same access points and access restrictions as the project. As the MBTRA is approximately 69,000 square feet smaller than the project, the MBTRA would also have a less than significant VMT impact with implementation of mitigation measure MM-TRA-1. Even conservatively assuming the MBTRA would exceed the City's formally established 85% VMT significance threshold by 2.9% like the project, implementation of mitigation measure MM-TRA-1 will reduce this potential impact to below a level of significance by requiring the implementation of a Voluntary Employer Commute Program. The SANDAG Voluntary Employer Commute Program, which is mandatory for the employers to offer, but voluntary for the employees to participate in, has been demonstrated to produce a measurable reduction in VMT. The SANDAG Mobility Management VMT Reduction Calculator Tool is utilized to determine how various mobility management strategies, when implemented, can reduce a project's VMT. That takes into consideration the voluntary choice employees have to participate in the different program elements such as carpooling, utilizing subsidized transit passes, or bicycle commuting. The Final EIR demonstrates that, with implementation of MM-TRA-1, the MBTRA would achieve at least a 6% reduction in VMT where only a 2.9% reduction is required to reduce impacts to less than significance. Thus, as mitigated, the MBTRA would have a less than significant impact as the MBTRA would not conflict or be inconsistent with CEQA Guidelines Section 15064.3.

TRIBAL CULTURAL RESOURCES

Threshold of Significance:

- Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

    i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Mitigation Measures:

See **MM-CUL-1** through **MM-CUL-9**, discussed above under Cultural Resources.

Finding

The City finds that, with implementation of mitigation measures MM-CUL-1 through MM-CUL-9, changes or alterations have been required in, or incorporated into, the MBTRA which mitigate or avoid the significant effects on the environment as the MBTRA would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Facts in Support of Finding:

While considered unlikely based on the cultural resource study, the current disturbed state of the property due to the previous industrial operations, and other information received by the City, there remains the potential for construction of the MBTRA to encounter previously unknown, qualifying tribal cultural resources. To avoid or reduce potential impacts to less than significance, the MBTRA must implement MM-CUL-1 through MM-CUL-9 that require retention of a Native American monitor and construction protocols to protect against potentially significant impacts. Specifically, MM-CUL-1 and MM-CUL-2 relate to the retention of qualified monitors of the MBTRA's ground disturbing activities for purposes of identifying potentially qualifying tribal cultural resources. MM-CUL-3 requires the monitoring program be identified on all construction documents and notification of the City at the start and end of all ground disturbing activities. MM-CUL-4 requires the monitors to attend all pre-constructing meetings and be present full-time during grubbing, grading, placement of fill and other initial ground disturbing activities. MM-CUL-5 identifies the grading procedures that would apply if significant archeological impacts are detected. MM-CUL-6 requires specific procedures and substantive requirements that will apply if applicable resources are identified including noticing, testing and cataloging protocols and when to stop and restart grading activities. MM-CUL-7 requires the landowner to relinquish ownership of all tribal cultural resources

unearthed. MM-CUL-8 requires a monitoring report and/or evaluation report to be submitted to the City prior to release of the grading bond. Consistent with California Health and Safety Code Section 7050.5, MM-CUL-9 establishes the protocols that apply if suspected Native American human remains are found. Together, implementation of the imposed mitigation measures would reduce to less than significant any potential for the MBTRA to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Section IV Environmental Effects that Cannot be Mitigated to Below a Level of Significance

CEQA Guidelines Section 15126.2(b) requires that an EIR describe any significant impacts that cannot be avoided, including those impacts that can be mitigated but not reduced to a less-than-significant level. Chapter 4, Environmental Analysis, of the EIR describes the potential environmental impacts of the project, and recommends mitigation measures to reduce impacts, where feasible. Chapters 4 and 8, and the Appendices, of the Final EIR describe the potential impacts of the MBTRA and recommends the same mitigation measures and includes the applicable PDFs as the project to reduce impacts to less than significant. As discussed in the Final EIR, implementation of the MBTRA would not result in any significant impacts that cannot feasibly be mitigated below a level of significance.

Section V Findings Regarding Project Alternatives

The State CEQA Guidelines section 15126.6(a) requires the discussion of a "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project. The Guidelines states that the "range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects" (Section 15126(c)). An alternative may be rejected if it is "infeasible" or if it fails to achieve the most basic project objectives identified within the EIR. "Feasibility" under CEQA encompasses the desirability of the project based on a reasonable balancing of relevant economic, environmental, social, or other considerations which make infeasible the project alternatives.

Accordingly, the Final EIR presented a reasonable range of four alternatives listed below and considered and rejected for further consideration two potential alternatives. The four alternatives considered are:

- No Project/No Development Alternative
- Multi-Building Alternative
- Reduced Building Footprint Alternative
- Multi-Building and Truck Bay Reduction Alternative

A. Alternatives Considered by Rejected

The Final EIR considered the following two alternatives that were considered during the EIR preparation process but not carried forward for further analysis consistent with CEQA Guidelines section 15126.6(c):

1) Alternative Location:

Development of the project on an alternative site was not carried forward for more detailed consideration. The Alternate Location Alternative was considered but rejected due to the project being consistent with the General Plan, Zoning, and other applicable land use plans and regulations. The property is also a previously disturbed and developed site, located immediately adjacent to the Oceanside Municipal Airport and in close proximity to SR-76, that was utilized for decades as an industrial operation, In accordance with CEQA Guidelines Section 15126.6(f)(2), an EIR is only required to consider an alternative location if the project's potentially significant project effects would be avoided or substantially lessened by moving the project to another site. An alternative site would have had to been within an urban area of Oceanside with the same General Plan and zoning designation where a development with the same components of the project could avoid or substantially lessen one or more of the project's potentially significant impacts to air quality, biological resources, cultural resources, transportation, and tribal cultural resources.

One could speculate that other sites of an approximately equivalent size, that were previously disturbed, with required infrastructure and utilities adjacent and such close proximity to the regional road network, could be redeveloped with a large, single-building industrial development like the project; however, the City is not aware of such an alternative site. Further, the project applicant does not own or control another site of that nature within the City. As one factor for feasibility of an alternative is "whether the proponent can reasonably acquire, control or otherwise have access to the alternative site," and it is unlikely and speculative to assume the feasibility of assembling another site similar to the project site that meets most of the project objectives and avoids or substantially lessens the project's potential significant impacts, the Alternate Location Alternative was considered but rejected due to infeasibility. As the Final EIR analyzes a reasonable range of alternatives, CEQA does not require full consideration of the Alternative Location Alternative when it is speculative whether such a feasible site exists that could accommodate the project and meet most project

objectives, the applicant could feasibly acquire such a site if one existed and the project's potentially significant impacts would be avoided or substantially lessened at such a site.

2) Buildout Under Existing Zoning

The Buildout Under Existing Zoning Alternative considered the development of the project site using the maximum Floor Area Ratio and other development standards allowed by the City Zoning Code. The zoning allows for a maximum Floor Area Ratio of 1.00, with a maximum lot coverage of 75%. Under this alternative, the industrial development could be a single building up to approximately 1,000,000 square feet in size (total building area). In comparison, this Buildout Under Existing Zoning Alternative would be approximately 433,095 square feet larger in size than the project.

A proposed industrial development of up to 1,000,000 square feet would be potentially feasible, and it would likely meet most of the project objectives. Such an alternative was considered during the EIR preparation process but not carried forward for further analysis because that intense a development would not avoid or substantially lessen any of the project's potentially significant impacts and likely have greater impacts than the project in a number of CEQA areas. Therefore, the Buildout Under Existing Zoning Alternative would not meet the CEQA definition of a project alternative and it was rejected and not considered for further evaluation.

B. Reasonable Range of Alternatives

The Final EIR evaluated a reasonable range of four alternatives for their ability to avoid or substantially lessen the impacts of the project identified in the EIR, as well as consideration of their ability to feasibly attain most of the basic objectives of the project as described in the EIR Chapter 3, Section 3.1 Project Objectives. California Pubic Resources Code section 21081 provides that if one or more significant impacts will not be avoided or substantially lessened by adopting mitigation measures, the environmentally superior alternatives described in the EIR must be found infeasible if they are not adopted. The City need not make findings rejecting alternatives described in an EIR if all of a project's significant impacts will be avoided or substantially lessened by mitigation measures. As the Final EIR demonstrates, the project would not have significant, unavoidable impacts so CEQA does not require findings rejecting alternatives.

In light of the analysis presented in the Final EIR, including the comments received regarding the Draft EIR and the responses to those comments, the MBTRA, not the project as identified in the Draft EIR, has been approved. As disclosed in Final EIR, Chapter 8, compared to the project, the MBTRA would result in a reduced or similar levels of potentially significant impacts in some environmental analysis areas, including air quality, biological resources, cultural resources, transportation and tribal cultural resources. All the MBTRA's potentially significant impacts would be avoided or reduced to less than significant with the mitigation and PDFs described in these findings. The MBTRA would also meet all but one of the project objectives, the objective to

maximize the allowable use of an industrial zoned site that is compatible with the adjacent light industrial zoned sites and Oceanside Municipal Airport.

The City finds, after due consideration, that the four alternatives considered in the Final EIR constitute a reasonable range of alternatives as required by CEQA. As set forth in the Final EIR and below, the City finds as follows with respect to the three alternatives other than the MBTRA that have not been approved.

1. Alternative 1: No Project/No Development Alternative

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a "No Project" alternative to allow decision makers to compare the impacts of approving a project with the impacts of not approving that project. For a specific development not requiring a land use regulatory change like the project, the No Project alternative addresses a no development scenario. Under the No Project Alternative, the project and associated improvements would not be implemented, and the property would remain as disturbed, contaminated site. This alternative does not preclude future development of the property in accordance with the site's industrial designations.

Finding

The No Project Alternative would not provide any development, so overall impacts would be reduced compared to the project and the MBTRA. The No Project Alternative would also not meet any of the project objectives.

Finding and Facts in Support of Finding

The potentially significant impacts to air quality, biology, cultural resources, traffic and tribal cultural resources would be substantially lessened or avoided by the No Project/No Development Alternative compared to the MBTRA and the project. However, this alternative would also not meet any of the project objectives. Specifically, the No Project/No Development Alternative would not result in an employment-generating development consistent with the industrial land use designation and zoning, fulfil a demand for industrial and manufacturing uses in the City or take advantage of and enhance existing infrastructure, including SR-76 and the Oceanside Municipal Airport, located proximate to the property. As this alternative would eliminate all of the potentially significant impacts identified for the project, it would qualify as the environmentally superior alternative. However, CEQA Guidelines Section 15126.6(e)(2) states that if the No Project Alternative is identified as the environmentally superior alternative, then an environmentally superior alternative should be identified among the other alternatives.

2. Alternative 2: Multi-Building Alternative

Under the Multi-Building Alternative, the site would be developed with industrial uses similar to the project and consistent with the General Plan land use and zoning designation for the site. Instead of

one building as proposed by the project, this alternative would develop three buildings on site. This alternative would be approximately 55,745 square feet smaller than the project's total building area and the footprint of the alternative's buildings would be approximately 88,160 square feet smaller than the project's. The Multi-Building Alternative would require substantially more employee parking spaces as a result of the increase in office-use space and office tenants, but it would have 100 dock high doors compared to the projects 114. Other design elements of the Multi-Building Alternative would largely remain the same as the project.

The Multi-Building Alternative was requested during the public Notice of Preparation comment period, and it would meet all project objectives, with the exception of objective 3 (maximize the allowable use of an existing industrial zoned site that is compatible with adjacent light industrial zoned sites and Oceanside Municipal Airport). As a smaller development compared to the project, this alternative would not maximize the allowable development on site to the extent feasible.

Finding

The Multi-Building Alternative would meet most of the project objectives. Overall impacts of the Multi-Building Alternative, with mitigation, would be reduced or similar compared to the project as it relates to biological, cultural resource and tribal cultural resources. However, this alternative would have greater potentially significant impacts as it relates to air quality and transportation.

Finding and Facts in Support of Finding

The Multi-Building Alternative would meet all the project objectives other than objective number 3 regarding maximizing development on the property. The decrease in total building area and project footprint means the Multi-Building Alternative would potentially reduce some potentially significant impacts to biological, cultural and tribal cultural resources compared to the project. With mitigation, and compliance with laws and the PDFs, like the project and the MBTRA, the Multi-Building Alternative would have less than significant impacts to biological, cultural and tribal cultural resources.

Compared to the project, the Multi-Building Alternative could have a net increase in potential air quality and transportation impacts. Even though the overall square footage of the buildings is less, this alternative would have 104,000 square feet of office space compared to the project's 39,170 square feet. As office space results in relatively more vehicle trips compared to industrial uses, a corresponding increase in trip related air quality and transportation impacts could occur under this alternative compared to the project.

3. Alternative 3: Reduced Building Footprint Alternative

Under the Reduced Building Footprint Alternative, the site would be developed with industrial uses similar to the project and consistent with the relevant use designations for the site. This alternative

would reduce the building footprint by developing a multi-story building with a 270,560 square-foot footprint compared to the project's single-level building footprint of 547,320 square feet. In addition to the smaller footprint, the Reduced Building Footprint Alternative's building would be a total of 25,785 square feet smaller. Parking would be reduced to 502 car spaces and the design would include 74 dock high doors compared to the project's 114.

Given the design, particularly the second story of the buildings, the Reduced Building Footprint Alternative would not be consistent with the OMALUCP due to the building's height in proximity to the Oceanside Municipal Airport runway. Further, the design would conflict with the OMALUCP's building setback requirements. As a result, to pursue this alternative, the City might be required to override an Airport Land Use Commission inconsistency finding. Other design elements of the Reduced Building Footprint Alternative would largely remain the same as the project.

The Reduced Building Footprint Alternative would meet most of the project objectives. However, the alternative does not meet objective 3 and objective 7. As to objective 3, the alternative does not maximize the allowable use of an existing industrial-zoned site that is compatible with the adjacent light-industrial-zoned sites and Oceanside Municipal Airport. As to objective 7, the Reduced Building Footprint Alternative does not comply with all the development and other restrictions imposed by the OMALUCP).

Finding

The Reduced Building Footprint Alternative would meet most of the project objectives. Overall impacts of the Reduced Building Footprint Alternative, with mitigation, would be reduced or similar compared to the project as it relates to air quality, biological, transportation, cultural resource and tribal cultural resources.

Finding and Facts in Support of Finding

The Reduced Building Footprint Alternative, with mitigation, would be considered the environmentally superior alternative of the possible alternatives. The smaller building footprint, in comparison to the project, would reduce indirect, potentially significant impacts to biological resources and potentially significant impacts on unknown cultural and tribal cultural resources. Like the project, the Reduced Building Footprint Alternative would require mitigation to reduce the potential impacts in those areas to less than significance. Although mitigation would still be required to achieve a less than significant impact, the reduced development footprint and slightly smaller building square footage would reduce the potential air quality impacts compared to the project. The slight reduction in overall building square footage would result in similar transportation related impacts to the project and mitigation would still be required to achieve less than significance. Because of the potential inconsistency with the OMALUCP, the Reduced Building Footprint Alternative would have potentially greater impacts than the project in the areas of hazards (airports)

and land use (OMALUCP). Additionally, this alternative would not meet project objective 3 (maximize the allowable use of an existing industrial-zoned site that is compatible with the adjacent light industrial-zoned sites) or project objective 7 (develop the property in a manner that complies with the development, intensity, noise, use, and other restrictions imposed by the OMALUCP). As the Reduced Building Footprint Alternative would not conform to the OMALUCP, the City might be required to override an Airport Land Use Compatibility inconsistency finding.

Section VI Other CEQA Considerations

A. Growth-Inducing Impacts

CEQA Guidelines section 15126.2(e) mandates a discussion of the growth-inducing nature of the project evaluated in an EIR. Growth-inducing analysis is intended to address the potential for a project to "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Growth inducement refers to facilitating planned growth or inducing unplanned growth. CEQA Guidelines Section 15126.2(e) provides that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Final EIR sections 4.12 and 7.1 address the potential for growth inducement due to the project. The MBTRA would also directly facilitate growth through development of 497,822 square feet of employment generating uses albeit at a reduced intensity compared to the project's 566,905 square feet. The Final EIR discloses in Sections 4.12 and 7.1 that project operations would generate approximately 499 jobs. The MBTRA may generate proportionately fewer operational jobs because of the reduced square footage. Construction of the MBTRA, like the project, would generate approximately 1,425 construction related jobs although no more than 50 to 100 construction workers are expected to be on-site daily. As the MBTRA's intensity of development is substantially less than the approximately 1,000,000 square feet of development potentially allowed under the zoning regulations, as described in the City's General Plan Economic Development Element, the City continues to provide fewer job opportunities than most other cities in the region. The MBTRA's temporary and permanent increase in population from employment opportunities is accounted for in SANDAG's growth projections and would assist with the City's employment deficits. Implementation of the MBTRA would be consistent with land use and development anticipated by local plans, and thus would not lead to increases in population/housing growth beyond those contemplated by SANDAG and the City.

The MBTRA is a redevelopment of a previously developed industrial property that would not lead to indirect growth because the development would not provide additional infrastructure that would allow for unplanned growth in the area. All infrastructure necessary to serve the MBTRA exists at or in the vicinity of the property, and the MBTRA would not extend such facilities to other undeveloped or underdeveloped properties. The MBTRA would not remove obstacles to growth by extending infrastructure to new areas, nor would it result in significant adverse environmental

impacts beyond those analyzed in the Final EIR due to the expansion of infrastructure, such as water supply facilities, wastewater treatment plants, roads, or freeways. The MBTRA's utility and infrastructure improvements would only be to the property's connection points or for purposes of improvements required for the MBTRA.

B. Significant Irreversible Effects

CEQA Guidelines Section 15126.2(d) requires a discussion of any significant irreversible environmental changes associated with a project. Irreversible effects include large commitment of nonrenewable resources, secondary impacts such as highway improvement that grant access to a previously inaccessible area or irreversible damage from environmental accidents associated with a project. CEQA Guidelines Section 15127 specifies that irreversible changes only require addressing when connected with the adoption or amendment of a local plan, policy, or ordinance; adoption by a local agency formation commission of a resolution making determinations; or when the project is subject to National Environmental Policy Act and requires an environmental impact statement. Like the project, the MBTRA does not involve any of those types of actions activities, and as such this analysis is not required nor provided in these findings.

VII. Other CEQA Findings

A. Mitigation Monitoring and Reporting Program

1. General Finding

Pursuant to Section 21081.6 of the Public Resources Code, the City, in adopting these Findings, also adopts the MMRP for the MBTRA. The MMRP is designed to ensure that, during project implementation, the City and other responsible parties will comply with the mitigation measures adopted in these Findings. The City hereby binds itself to cause the various feasible mitigation measures and PDFs described in the MMRP to be implemented in accordance with the Final EIR and MMRP. The measures identified in the MMRP constitute a binding set of obligations upon the City's certification and approvals identified herein.

The City hereby finds that the MMRP, which is incorporated into the project conditions of approval, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of project conditions intended to mitigate potentially significant environmental effects of the MBTRA.

2) Regulatory Compliance

Federal, state, regional, and local laws contain certain regulatory compliance measures that must be adhered to in implementing the MBTRA. The Final EIR describes the regulatory setting within each chapter, which includes the details of regulatory compliance measures. Where regulatory compliance measures are required by law, the City has not separately proposed or adopted mitigation

requiring regulatory compliance (as it would be declaratory of existing law). Nonetheless, the City finds that the MBTRA must comply with all applicable regulatory compliance measures.

B. Certification of the Final Environmental Impact Report, CEQA Guidelines § 15090

The Planning Commission certifies that the Final EIR, dated November 2024, on file with the Development Services Department (SCH # 2022070365), has been completed in compliance with CEQA and the State CEQA Guidelines, that the Final EIR was presented to the Planning Commission, and that the Planning Commission reviewed and considered the information contained therein and in the record of proceedings for the project and MBTRA before approving the MBTRA, and that the Final EIR reflects the independent judgment and analysis of the Planning Commission. (State CEQA Guidelines § 15090.)

Mitigation Monitoring
and Reporting Program and Exhibit A

Eddie Jones Warehouse, Manufacturing and Distribution Facility Project

JANUARY 2025

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1 Introduction

1.1 Introduction

California Public Resources Code Section 21081.6 requires that, upon certification of an EIR, "the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation." (PRC Section 21000–21177)

This Mitigation Monitoring and Reporting Program was developed in compliance with Section 21081.6 of the California Public Resources Code and Section 15097 of the CEQA Guidelines (14 CCR 15000–15387 and Appendices A–L.), and includes the following information:

- A list of mitigation measures
- The timing for implementation of the mitigation measures
- The party responsible for implementing or monitoring the mitigation measures
- The date of completion of monitoring

The City of Oceanside must adopt this Mitigation Monitoring and Reporting Program, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval. Exhibit A provides a list of the Project Design Features (PDFs) that are proposed for incorporation into the project to reduce or avoid certain project effects. These PDFs will also be made a Condition of Approval for the project, as adopted by the City of Oceanside with approval of the project.

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2 Mitigation Monitoring and Reporting Program Table

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Enforcing Agency	Date of Completion
Air Quality				
MM-AQ-1: Require Low-Volatile Organic Compound Coatings During Construction. The project applicant and/or their contractors shall ensure that low-VOC coatings with a daily average VOC content of 45 grams per liter (g/l) or less are used during construction for interior building coatings and follow the requirements of Rule 67.0.1 for exterior and building envelop coatings (50 g/l) and traffic marking coatings (100 g/l).	During construction	Applicant	City of Oceanside	
Biological Resources				
MM-BIO-1: Nesting Bird Surveys. Construction-related ground-disturbing activities (e.g., clearing/grubbing, grading, and other intensive activities) that occur during the breeding season (typically February 1 through September 15) shall require a one-time biological survey for nesting bird species to be conducted within the limits of grading and a 500-foot buffer within 72 hours prior to construction. This survey is necessary to ensure avoidance of impacts to nesting raptors and/or birds protected by the federal Migratory Bird Treaty Act and California Fish and Game Code, Sections 3503 and 3513. If any active nests are detected, the area shall be flagged and mapped on the construction plans or a biological resources figure, and the information provided to the construction supervisor and any personnel working near the nest buffer. Active nests will have buffers established around them (e.g., 250 feet for passerines and 500 feet for raptors) by the project biologist in the field with brightly	Prior to start of construction during breeding season	Applicant	City of Oceanside	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Enforcing Agency	Date of Completion
colored flagging tape, conspicuous fencing, or other appropriate barriers or signage. The project biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. The project biologist may adjust the 250-foot or 500-foot setback at their discretion depending on the species and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation). However, if needed, additional qualified monitors shall be provided in order to monitor active nests or other project activities in order to ensure all the project biologist's duties are completed. Once the nest is no longer occupied for the season, construction may proceed in the setback areas.				
MM-BIO-2: Biological Monitoring. To prevent inadvertent disturbance to areas outside the limits of grading for each phase, all grading of native habitat shall be monitored by a qualified biologist with 5 years of experience in biological resource evaluation in San Diego County. The qualified biological monitor(s) shall be familiar with the local flora/fauna and shall be contracted to perform biological monitoring during all clearing and grubbing activities. The project biologist(s) also shall: a. Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing and grubbing to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds). b. During clearing and grubbing, conduct meetings with the contractor and other key construction personnel each morning prior to construction activities to go over the proposed activities for the day, and for the monitor(s) to describe the importance of restricting work to designated	Prior, during, and after construction completion	Applicant	City of Oceanside	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Enforcing Agency	Date of Completion
areas and of minimizing harm to or harassment of wildlife prior to clearing and grubbing. c. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing and grubbing. d. Supervise and monitor vegetation clearing and grubbing weekly to ensure against direct and indirect impacts to biological resources that are intended to be protected and preserved and to document that protective fencing is intact. e. Flush wildlife species (i.e., reptiles, mammals, avian, or other mobile species) from occupied habitat areas immediately prior to brush-clearing activities. This does not include disturbance of nesting birds (see MM-BIO-1). f. Periodically monitor the construction site to verify that the project is implementing the following stormwater pollution prevention plan best management practices: dust control, silt fencing, removal of construction debris and a clean work area, covered trash receptacles that are animal proof and weather-proof, prohibition of pets on the construction site, and a speed limit of 15 mph during daylight. g. Periodically monitor the construction site after grading is completed and during the construction phase to see that artificial security light fixtures are directed away from open space and are shielded, and to document that no unauthorized impacts have occurred. h. Keep monitoring notes for the duration of the proposed project for submittal in a final report to substantiate the biological supervision of the vegetation clearing and grading activities and the protection of the biological resources. i. Prepare a monitoring report after the construction activities are completed, which describes the biological monitoring activities, including a monitoring log; photos of				

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Enforcing Agency	Date of Completion
the site before, during, and after the grading and clearing activities; and a list of any special-status species observed.				
MM-BIO-3: Temporary Installation of Fencing. To prevent inadvertent disturbance to areas outside the limits of grading for each phase, the contractor shall install temporary fencing, or utilize existing fencing, along the limits of grading.	Prior to construction	Applicant	City of Oceanside	
MM-BIO-4: Invasive Species Prohibition. The final landscape plans shall be reviewed by the project biologist and a qualified botanist to confirm that there are no invasive plant species as included on the most recent version of the California Invasive Plant Council Inventory for the project region. In addition, any planting stock to be brought onto the project site for landscape or habitat creation/restoration/ enhancement will 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 (*Linepithema humile*), fire ants (*Solenopsis invicta*), and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the U.S. Fish and Wildlife Service that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. All temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape adjacent to the on-site preserve.	Prior to Final Grading Release/During construction	Applicant	City of Oceanside	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Enforcing Agency	Date of Completion
Cultural Resources				
MM-CUL-1: Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe. A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and Tribal Cultural Resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities. Through consultation with the Tribes that consulted on the project and with their consent, certain artifacts may be made available for 3D scanning/printing, with scanned/printed materials to be curated at a local repository meeting the federal standards of 36CFR79	Prior to issuance of a Grading Permit	Applicant	City of Oceanside	
MM-CUL-2: Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Oceanside Planning Division stating that a Qualified Archaeologist and Luiseño Native American Monitor have been retained at the Applicant/Owner or Grading Contractor's expense to	Prior to issuance of a Grading Permit	Applicant	City of Oceanside	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Enforcing Agency	Date of Completion
implement the monitoring program, as described in the pre-excavation agreement.				
MM-CUL-3: The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Luiseño Native American Monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the City of Oceanside Planning Division of the start and end of all ground disturbing activities.	During construction (start/end of all ground disturbing activities)	Applicant/Qualified Archaeologist	City of Oceanside	
MM-CUL-4: The Qualified Archaeologist and Luiseño Native American Monitor shall attend all applicable preconstruction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and Luiseño Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground altering activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or Tribal Cultural Resources. All fill materials shall be absent of any and all Tribal Cultural Resources.	Prior to construction/During construction (start/end of all ground disturbing activities)	Applicant/Qualified Archaeologist and Luiseño Native American Monitor	City of Oceanside	
MM-CUL-5: In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" for CA-SDI- 5345 shall be prepared by a Qualified Archaeologist, in consultation with the other TCA Luiseño Tribes that have participated in the state-prescribed process for this project, and the Applicant/Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground	During construction (start/end of all ground disturbing activities)	Applicant/Qualified Archaeologist	City of Oceanside	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Enforcing Agency	Date of Completion
disturbing work with machinery occurring in and around areas the Qualified Archaeologist and Luiseño Native American Monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be included in the Grading Plan Submittals for the Grading Permit.				
MM-CUL-6: The Qualified Archaeologist or the Luiseño Native American Monitor may halt ground disturbing activities if unknown Tribal Cultural Resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and before grading proceeds these items shall be secured until they can be repatriated. If items cannot be securely stored on the project site, they may be stored in off-site facilities located in San Diego County. If the Qualified Archaeologist and Luiseño Native American monitor determine that the unearthed tribal cultural resource, artifact deposits or cultural features are considered potentially significant TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data	During construction (start/end of all ground disturbing activities, if applicable)	Applicant/ Qualified Archaeologist or the Luiseño Native American Monitor	City of Oceanside	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Enforcing Agency	Date of Completion
recovery plan is necessary by the City as the lead agency under CEQA, TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant Tribal Cultural Resources, artifact deposits or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project. If the Qualified Archaeologist collects such resources, the Luiseño Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the Tribal Cultural Resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor, may at their discretion, collect said resources and provide them to the appropriate TCA Luiseño Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the Luiseño Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected.				
MM-CUL-7: The landowner shall relinquish ownership of all Tribal Cultural Resources unearthed during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the appropriate	During construction (start/end of all ground disturbing activities, if applicable)	Applicant	City of Oceanside	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Enforcing Agency	Date of Completion
TCA Luiseño Tribe, as determined through the appropriate process, for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No Tribal Cultural Resources shall be subject to curation.				
MM-CUL-8: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City of Oceanside Planning Division for approval.	Prior to the release of the grading bond	Applicant/Qualified Archaeologist/	City of Oceanside	
MM-CUL-9: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and	During construction (start/end of all ground disturbing activities, if applicable)	Applicant/Qualified Archaeologist or the Luiseño Native American Monitor	City of Oceanside	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Enforcing Agency	Date of Completion
treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Luiseño Native American monitor. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendant.				
Traffic and Circulation				
MM-TRA-1: The project applicant will be required to implement a Voluntary Employer Commute Program in order to reduce trips. The program may include a carpool or vanpool system, subsidized or discount transit passes, bike amenities, commute trip reduction marketing, and/or preferential parking permit program. This mitigation measure would result in a VMT reduction of 6.2%.	Prior to project operation	Applicant	City of Oceanside	
Tribal Cultural Resources				
MM-CUL-1 through MM-CUL-9 (see Cultural Resources mitigation above)	-	-		

Exhibit "A"

TO MMRP FOR EDDIE JONES WAREHOUSE MANUFACTURING AND DISTRIBUTION FACILITY PROJECT

PROJECT DESIGN FEATURES (PDF)

PDF-AQ-1: Require the cargo handling equipment including forklifts (forklifts and pallet jacks) and yard tractors for facility operation to be electric powered operation.

PDF-AQ-2: Standard construction practices that would be employed to reduce fugitive dust emissions include watering of the active sites two times per day, depending on weather conditions. Construction of Project components would be subject to SDAPCD Rule 55 – Fugitive Dust Control. Compliance with Rule 55 would limit fugitive dust that may be generated during grading and construction activities.

PDF-AQ-3: The applicant will incorporate the following applicable California Department of Justice Warehouse Project Best Practices measures as part of project construction and operation:

- 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 3 minutes
- Keeping on site 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 grams per liter
- Providing information on transit and ridesharing programs and services to construction employees
- Forbidding trucks from idling for more than 3 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 the California Air Resources Board (CARB), the local air district, and the building manager
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible

- 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% or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks
- Posting signs at every truck exit driveway providing directional information to the truck route
- 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 requiring 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 U.S. 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

PDF-GHG-1: Photo-voltaic (PV) systems will be installed on the building to meet 50% of forecasted electricity demand, consistent with the City of Oceanside Climate Action Plan.

PDF-GHG-2: The applicant will participate in one of San Diego Gas & Electric's services for non-residential development such as the Comprehensive Audit Program or the Facility Assessment Service Program, no sooner than 1 year and no later than 2 years after initial building occupancy

PLANNING COMMISSION
RESOLUTION NO. 2025-P04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, AND VARIANCE ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO:	D22-00001, CUP22-00001 & V22-00001
APPLICANT:	RPG OCEANSIDE EDDY JONES WAY OWNER, LLC
LOCATION:	250 EDDIE JONES WAY (APNs: 145-021-29, 30 &32)

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Development Plan (D22-00001), Conditional Use Permit (CUP22-00001), and Variance (V22-00001) for the Multi-Building and Truck Bay Reduction Alternative (MBTRA) under the provisions of Articles 13, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

a) A Development Plan for the MBTRA to construct a four-building warehouse, manufacturing, and office facility totaling approximately 497,822 square feet of building area; b) A Conditional Use Permit to allow for wholesaling, distribution, and storage with a floor area greater than 50,000 square-feet and to allow trucking terminals with more than six heavy trucks on the premises at one time; c) A Variance to allow a proposed flood wall to exceed the maximum allowable wall height of eight (8) feet.

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 10th day of February 2025 conduct a duly-advertised public hearing as prescribed by law to consider said application and heard and considered written evidence and oral testimony by all interested parties on the above identified.

WHEREAS, the Planning Commission, after deliberation, introduced a motion to approve said MBTRA project with an amendment to Condition 1b and Condition 11 to reduce

the maximum number of truck bays from 56 to a total of 34 bays with a caveat that truck bays can be allocated between any of the four buildings at the discretion of the project applicant.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; an Environmental Impact Report (EIR) was prepared and circulated for this project;

WHEREAS, Chapter 8, Alternatives, of the Final EIR describes the potential impacts of the Multi-Building and Truck Bay Reduction Alternative (MBTRA), this alternative has reduced or similar less than significant impacts, with mitigation, to the proposed project.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and city ordinance;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the project is subject to certain fees, dedications, reservations and other exactions as provided below:

Description	Authority for Imposition
Public Facility (Commercial/Industrial)	Ord. No. 91-09 Reso. No. 15-R0638-1
School District Fee (Commercial/Industrial)	Ord. No. 91-34 OUSD Res. 13(12-13) CUSD Res. 21-1314
Traffic Signal & Thoroughfare (Commercial/Industrial)	Reso. No. 16-R0324-1
Drainage and Flood Control Fee	Ord. No. 85-23 Reso. No. 16-R0638-1
Wastewater System Capacity Buy-in Fee (Non-Residential and Multi-Family Residential)	Reso. No. 87-97 Ord. No. 15-OR0479-1 City Code 37.7.37
Water System Capacity Buy-in Fee (Residential and Non-Residential)	Reso. No. 87-96 Ord. No. 15-OR0480-1 City Code 37.7.37
San Diego County Water Authority (Residential and Non-Residential)	SDWA Ord. 2017

WHEREAS, the fees listed above have been identified by the City as being applicable to the project as proposed. Failure by the City to list an applicable fee above does not alleviate the developer from paying all applicable fees at the time when such fees become due;

WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside City Code and the City expressly reserves the right to amend the fees and fee calculations consistent with applicable law;

WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020;

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

WHEREAS, the documents or other material which constitute the record of proceedings upon which the decision is based will be maintained by the City of Oceanside Planning Department, 300 North Coast Highway, Oceanside, California 92054.

WHEREAS, studies and investigations made by this Commission and on its behalf reveal the following facts:

FINDINGS:

For the Development Plan (D22-00001):

1. The site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance because the proposed development complies with the regulations established by the Limited Industrial (IL) Zone District. The project is consistent with the purpose of the IL District, which is intended to provide areas appropriate for a wide range of moderate to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures. The multi-building design orients the buildings to adequately screen loading and maneuvering areas. Perimeter landscaping, enhanced tree plantings, and a 100-foot biological buffer provide additional attenuation measures to ensure compatibility with surrounding land uses.

2. The Development Plan as proposed conforms to the General Plan of the City, in that the project is considered a light industrial use within an established industrial area and is consistent and compatible with the Light Industrial land use designation, including industrial Land Use Policies 2.1.A, 2.1.B, 2.12.C, 2.12.D, and 2.12.E, Economic Development Element Policies EDE-3b-2 and EDE-2d-1, and Energy and Climate Action Element Policies ECAE-1a-2 and ECAE-5a-7. Furthermore, the project is consistent with the Oceanside Municipal Airport – Airport Land Use Compatibility Plan (ALUCP) which considers manufacturing, warehousing, and distribution uses highly compatible with airport operations. The project will optimize the redevelopment of an underutilized industrial site and provide opportunities for a variety of industrial uses. The project will also make a significant contribution towards addressing the City's jobs-to-housing ratio by introducing up to 499 permanent jobs as forecasted by the applicant.

3. The area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public Facilities. The project site is served by existing services and was previously developed as a manufacturing facility. The area was designed to accommodate industrial development and the project, as conditioned, would comply with all City codes and regulations necessary for redevelopment of the site.

4. The project as proposed is compatible with existing and potential development on adjoining properties or in the surrounding neighborhood because the project was designed in compliance with the regulations of the Zoning Ordinance and the Oceanside Municipal Airport – Airport Land Use Compatibility Plan (ALUCP). The project is found compatible with the airport because light industrial uses don't conflict with airport operations. The project complies with buffer and height limitations of the ALUCP and the maximum intensity of people per acre. To the north, the project provides a 100 foot habitat buffer and enhanced landscaping to screen the project from residential uses north of the river. The San Luis Rey River corridor provides a natural buffer between industrial uses on the south side of the river and residential uses north of the river. The proposed buildings are also designed to adequately screen truck maneuvering areas and

loading docks from the adjacent neighborhood north of the site. The design features also provide additional noise attenuation.

5. The site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillsides, and Section 3039 of the Zoning Ordinance because the property does not have slopes subject to the Hillside Ordinance.

For Conditional Use Permit (CUP22-00001):

1. The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located because the Limited Industrial District is intended to provide areas appropriate for a wide range of moderate to low-intensity industrial uses, including wholesaling, distribution and storage, located adjacent to residential areas with minimal buffering and attenuation measures. The 31.79 acre site is located adjacent to an airport which is an appropriate location for limited industrial projects with warehouse space exceeding 50,000 square feet and a maximum of 34 truck bays. The project is designed to accommodate a variety of limited industrial uses including manufacturing, warehousing, distribution, and ancillary office space. The proposed trucking terminals are designed with 34 truck bays divided among all four buildings. As conditioned, trucks and trailers will be limited to parking at approved truck bays. All trucks will access the project site from Benet Road, which is considered a secondary collector and an acceptable roadway for truck traffic. Trucks will be prohibited from travelling north of the San Luis Rey River on Benet Road.

2. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city because the proposed project is consistent with the Light Industrial General Plan land use designation and is designed to be compatible with surrounding land uses in the area. The proposed buildings, as designed, will screen truck maneuvering and loading areas from the adjacent

neighborhood to the north. Furthermore, a Noise Impact Analysis concluded that the project's operational noise levels along the north property line will be below the maximum noise level limits established by the City's Noise Control Ordinance and will not be detrimental to persons residing in the neighborhood on the north side of the San Luis Rey River. The proposed conditions of approval, mitigation measures, and project design features identified in the Environmental Impact Report for the MBTRA ensure that the project will not be detrimental to public health, safety, and welfare.

3. The proposed conditional use will comply with the provisions of this ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located. The project will be conditioned to limit the number of truck bays to a maximum of 34 and all heavy trucks and trailers must park at approved truck bay locations. Heavy trucks will be prohibited from accessing the site on Alex Road or travelling north of the river on Benet Road. The proposed project will also be conditioned to prepare a Facilities Management Plan with a good neighbor policy to ensure all future tenants operate in accordance with the conditions of approval and avoid any conflicts with surrounding land uses.

<u>For Variance (V22-00001)</u>:

1. That because of special circumstances or conditions applicable to the development site including size, shape, topography, location or surroundings strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The project site is located adjacent to the San Luis Rey River and is located within a Special Flood Hazard Area (Zone A99 per FEMA Flood Insurance Map). An existing levee was constructed to protect the site from flooding, however, the levee has not been certified by FEMA and cannot be viewed as an approved flood prevention system. Since elevating the entire 31.79-acre site above the Base Flood Elevation (BFE) is not feasible, the applicant coordinated with the City and FEMA to provide a flood wall as alternative floodplain mitigation. The proposed flood wall will range in height from 7.9' to 9.9' to provide a consistent top of wall elevation of 35.5' as required to exceed the BFE of 34'. Exceeding the maximum wall

height of eight feet in the IL District is required to provide necessary flood protection and allow for proper grading of the site. Strict application of the requirements of the Zoning Ordinance would deprive the project site of development privileges enjoyed by other industrial zoned properties in the area. Furthermore, similar variances have been granted for retaining walls exceeding maximum height for other projects in the IL District;

2. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare because the proposed flood wall has been designed specifically for the subject property by a licensed engineer to ensure it will adequately function during a flood event. The solid decorative masonry block wall system combined with proposed landscaping will ensure an aesthetically pleasing design compatible with the project and surrounding area.

3. That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district because flood protection mitigation is required for all adjacent properties adjacent to the San Luis Rey River or in the same flood zone. Similar variances for increased wall height have been approved in industrial zoning districts. The proposed 7.9' to 9.9' flood wall will provide the necessary flood protection for the development and is a practical solution to address a site constraint for a property located in a flood zone.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Development Plan (D22-00001), Conditional Use Permit (CUP22-00001), and Variance (V22-00001), subject to the following conditions:

Planning:

1. This resolution approves the following entitlements:
   a) A Development Plan to construct a four-building warehouse, manufacturing, and office facility totaling approximately 497,822 square feet of building area;
   b) A Conditional Use Permit to allow for wholesaling, distribution, and storage with a floor area greater than 50,000 square-feet and to allow trucking terminals with

more than six heavy trucks on the premises at one time with a maximum of 34 truck bays divided among all four buildings;

c) A Variance to allow a proposed flood wall to exceed the maximum allowable wall height of eight (8) feet. Exterior wall elevations would range from 7.9' to 9.9' above the exterior grade.

2. The Development Plan, Conditional Use Permit, and Variance shall expire on February 10, 2028 unless implemented as required by Articles 41 and 43 of the Zoning Ordinance or a time extension is granted.

3. This development project approval shall become effective and final at the expiration of the appeal period without the filing of a valid appeal. The filing of a valid appeal during the appeal period shall stay the Planning Commission's decision pending review and final decision by the City Council on the appeal. At such time that the development project approval becomes effective and final, the applicant/developer shall either secure a grading permit, a building permit, or timely file of a time extension request prior to the expiration of the development approval. Failure by the applicant/developer to do so will result in the expiration of the development approval and a new development project application(s) submittal and approval will be required for the project to move forward.

4. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul the City's approval of this development project (D22-00001, CUP22-00001, and Variance V22-00001). The City will promptly notify the applicant of any challenge, claim, suit, action or legal proceeding against the City. The City will cooperate fully with the applicant, permittee or any successor-in-interest in the legal defense of the City's approving action.

5. A covenant or other recordable document approved by the City Attorney shall be prepared by the property owner and recorded prior to grading permit issuance. The covenant shall provide that the property is subject to this resolution and all listed conditions of approval.

6. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification, Application and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

7. Prior to the transfer of ownership and/or operation of the site, the owner shall provide written copy of the application, staff report and resolution for the project to the new owner and/or operator. This notifications provision shall run with the life of the project and shall be recorded as a covenant on the property.

8. This Development Plan, Conditional Use Permit, and Variance shall be called for review by the Planning Commission if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or does not conform with the information contained in or representations made in the application, any supporting material submitted to the City or during any hearing on the application.

9. Failure to meet any conditions of approval for this development shall constitute a violation of the Development Plan, Conditional Use Permit, and Variance.

10. No deviations from the approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Development Plan or a new Development Plan.

11. The Development Plan and Conditional Use Permit authorize a maximum of 34 truck bays at the locations shown on the approved plans. No additional truck bays shall be permitted unless a revision to the Development Plan and Conditional Use Permit is approved by the Planning Commission. The applicant shall have the discretion to allocate the 34 truck bays between any of the four buildings. Truck bay locations and the total number of truck bays on site shall be identified on all future building plans.

12. Elevations, materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building Division and Planning Division.

13. The project shall comply with the provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code). These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the Landscape Plan.

14. Prior to the issuance of any grading or building permit, the grading or building permit plans shall be reviewed for consistency with the Planning Commission approved discretionary application plans and exhibit. Building elevations, siding materials, colors, roofing materials and floor plans shall be in substantial compliance with those plans and exhibits approved by the Planning Commission.

15. Building permit plans shall demonstrate that all mechanical (HVAC) rooftop and ground-mounted equipment will be completely screened from public view as required by the Zoning Ordinance and that all mechanical HVAC equipment, screens and/or vents shall be painted with non-reflective paint to match the roof.

16. Project signage was not approved as part of this project. All proposed signage shall be reviewed and approved in conformance with the Zoning Ordinance prior to the issuance of any sign permit.

17. Parking spaces shall be kept available and useable for the parking of vehicles at all times.

18. Outdoor lighting shall be low emission, shielded, and directed away from neighboring properties.

19. All fencing and walls constructed with the project shall be in conformance with the approved Development Plan.

20. Heavy truck and trailer parking shall only occur at the approved truck bay locations. No additional truck and/or trailer parking areas shall be permitted on the premises.

21. Prior to building occupancy, the property owner shall prepare a Facilities Management Plan to be reviewed and approved by the City Planner and shall cover the following:

    a) Property management and contact information.

    b) All future tenants shall be provided conditions of approval and operational requirements as provided in this resolution.

c) Procedures for ensuring tenants comply with all conditions of approval.

d) Security management plan with proposed security measures for providing appropriate security both on the premises and immediate vicinity of the site.

e) Maintenance plan with comprehensive maintenance procedures for the project site, including the exterior building, landscaping areas, parking lots, sidewalks, and walkways to ensure that a high standard of maintenance exists at the site at all times. The maintenance plan shall include a policy for litter removal and include a commitment for the sweeping and cleaning of parking lots, sidewalks and other concrete surfaces at sufficient intervals to maintain a "like new" appearance. Wastewater, sediment, trash or other pollutants shall be collected on site and properly disposed of and shall not be discharged off the property or into the City's storm drain system.

f) Good neighbor policy with a point of contact to respond to issues regarding business operations or site conditions; policies for preventing or reducing nuisances including vehicle routes, number of trips, vehicle idling, backup alarms, facility noise, and light spillage; protocol and anticipated response time to complaints; and enforcement procedures.

22. Renewable Energy Facilities (Zoning Ordinance Article 30, Section 3048): The project shall install and maintain renewable energy facilities (e.g. solar photovoltaic systems) that supply at least 50 percent of forecasted electricity demand. Installation shall be completed prior to building occupancy or through the issuance of a bond with timing of installation to be approved by the City Planner.

23. Electric Vehicle Parking and Charging Facilities (Zoning Ordinance Article 30, Section 3048): Prior to issuance of building permits, the project shall comply with non-residential electric vehicle (EV) parking and charging facility requirements as provided in Table 2 of Article 30, Section 3048 of the Zoning Ordinance.

24. Urban Forestry Program (Zoning Ordinance Article 30, Section 3049): Prior to issuance of building permits, the project shall comply with the urban forestry standards outlined in Table 1 of Article 30, Section 3049 of the Zoning Ordinance.

a) Project site area of one acre or more must provide a minimum tree canopy area of 12 percent and a minimum permeable surface area of 22 percent.

b) The project must also provide a Landscape and Tree Canopy Management Plan (LTCMP). The LTCMP shall include information regarding regular, seasonal, and emergency maintenance, trash abatement, irrigation, tree/plant care, tree replacement, insect and disease infestation prevention, integrated pest management, and appropriate response process etc. Projects that do not maintain landscape in a manner consistent with the approved LTCMP shall be subject to code enforcement action.

25. Transportation Demand Management (TDM) (Zoning Ordinance Article 30, Section 3050): Prior to building occupancy, the project shall prepare and implement a transportation demand management (TDM) plan that results in a minimum alternative employee commute share of 20 percent. The alternative employee commute share shall include all commute trips not involving combustion engine single-occupancy vehicles (SOVs). Alternative employee commute modes include ridesharing, public transit, active transportation, telecommuting, and zero-emission vehicles. TDM plans shall be implemented within 12 months of full occupancy.

26. All mitigation measures identified in the Final EIR (SCH: 2022070365) and Mitigation, Monitoring, and Reporting Program (MMRP) and Project Design Features (PDF) for the project shall be complied with as stated in those documents. The applicant shall submit a mitigation compliance binder (digital format) to the Planning Division documenting compliance with all mitigation measures.

27. The Department of Environmental Health and Quality (DEHQ) Well Program has records indicating there are 12 monitoring wells at the site, and environmental assessments have identified a septic tank at the site. The septic tank and any wells on the property must be properly destroyed under DEHQ permit prior to grading for the project. If the wells will be retained for ongoing groundwater monitoring in conjunction with the Response Plan, they must be protected in place during grading and construction

activities. Any wells damaged during grading/construction must be repaired to standards under DEHQ permit.

Traffic Engineering:

28. The project shall be responsible for the fair share payment to the City, which shall be $49,595 to be paid to the City's Thoroughfare and Signal Account. The funds will be used at the City's discretion for projects that will improve traffic safety and mobility in the City of Oceanside. The $49,595 shall be paid in full prior to issuance of any permit (precise grading, building or otherwise) for any phase or any component of the project. The $49,595 fair share payment only satisfies the offsite improvement obligations. All other onsite improvements such as roadway, sidewalk, bike trail/lane, etc, that is contiguous to the project, or needed to provide access to the project shall be done at the project developer's cost.

29. A sidewalk shall be installed along the project's frontage on Benet Road, connecting the sidewalk to the existing sidewalk on the southeast corner of Benet Road at Eddy Jones Way. This improvement shall be completed prior to the issuance of occupancy and must meet the satisfaction of the City Traffic Engineer.

30. ADA-compliant pedestrian curb ramps shall be installed on the northeast and southeast corners of Benet Road at Eddy Jones Way, on the northeast and southeast corners of the project's driveway. This improvement shall be completed prior to the issuance of occupancy and must meet the satisfaction of the City Traffic Engineer.

31. At the intersection of Eddy Jones Way and Benet Road, the project shall install a stop sign, stop legend, and stop limit line on Eddy Jones. This improvement shall comply with the CA-MUTCD guideline and be completed prior to the issuance of occupancy, subject to the satisfaction of the City Traffic Engineer.

32. The project shall dedicate an easement on Benet Road to the City and construct the proposed northbound right-turn lane onto the project access driveway. This improvement shall be completed prior to the issuance of occupancy and must meet the satisfaction of the City Traffic Engineer.

33. Prior to building occupancy, the project applicant shall submit a traffic management plan for review and approval by the City Traffic Engineer and City Planner. The plan shall include proposed long-haul truck routes, onsite/offsite vehicle circulation, and delivery schedules.

34. Heavy truck trips to and from the project site shall be limited to the Benet Road access point. All heavy trucks shall access the site from Highway 76 at Benet Road. No trucks shall use Benet Road north of the San Luis Rey River. Ingress and egress of heavy trucks on Alex Road shall be prohibited.

Building:

35. This development review checklist is not intended to be a complete review for any project. Further review will be required during a Building permit application and plan submittal. This checklist is intended to address any significant design considerations based on the type of Building, location of building, and proposed use of a Building.

Beginning on January 1, 2023, Oceanside Development Services (ODS) is required by State law to enforce the 2022 Edition of California Building Standards Codes (a.k.a., Title 24 of the California Codes of Regulations).

Every three years, the State adopts new model codes (known collectively as the California Building Standards Code) to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems. Sections 17922, 17958 and 18941.5 of the California Health and Safety Code require that the latest edition of the California Building Standards code and Uniform Housing Code apply to local construction 180 days after publication.

- Part 2: The 2022 California Building Code (CBC).
- Part 2.5: The 2022 California Residential Code (CRC).
- Part 3: The 2022 California Electrical Code (CEC).
- Part 4: The 2022 California Mechanical Code (CMC).
- Part 5: The 2022 California Plumbing Code (CPC).
- Part 6: The 2022 California Energy Code

- Part 9: The 2022 California Fire Code (CFC)
- Part 11: The 2022 California Green Building Standards Code (CALGreen Code) This Part is known as the California Green Building Standards Code, and it is intended that it shall also be known as the CALGreen Code.

36. The building plans for this project shall are required by State law to be prepared by a licensed architect or engineer.

37. Separate/unique addresses may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division shall accompany the Building Permit application.

38. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans.

39. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and shall be fully shielded.

40. All electrical, communication, CATV, etc. service lines within the exterior lines of the property shall be underground (City Code Sec. 6.30).

41. A complete set of Soil Reports, Structural Calculations, Energy Calculations, & California Title 24 Energy Form(s) shall be required at time of plans submittal to the Building Division for plan check.

42. The specific requirements of the Soil Report must be incorporated into the plans and the Geo Technical Engineer must in writing indicate that the plans that have been submitted to the Building Division have been reviewed and meet the Soils Report recommendations.

43. A form or foundation survey shall be required prior to the placement of concrete to show the location of the new structure in respect to the property lines, known easements, and known setback lines. By obtaining a form survey the location of the foundation is checked prior to the placement of concrete, and can save costly corrective measures in case of an encroachment of a property line.

44. Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with either CAL Green Section

4.408.2 Waste Management Plan, 4.408.3 Waste Management Company or 4.408.4 Waste Stream Reduction Alternative.

The City of Oceanside has adopted the latest version of California's Green Building Standards Code (CALGreen) and requires waste diversion of C&D materials from new construction, commercial renovation, and most residential additions/alterations. To comply with the City of Oceanside's requirements, you must submit a Waste Management Plan before permits are issued and construction begins. Demonstrate how your project will fulfill the CALGreen waste diversion requirement. Include an estimate of the amount of waste produced during construction and demolition, the actual amount of waste produced, and the ways the different materials will be diverted.

After construction is completed and during the final inspection, you will be required to sign an affidavit stating that your project met the C&D diversion requirement in your Waste Management Plan.

By diverting C&D materials, you are reusing resources, helping the City of Oceanside reach its city-wide waste diversion goal of 75-90% by 2020, and potentially saving money on your project

45. Electric Vehicle Charging for New Construction. Show electric vehicle charging wiring and panels per the requirements found in CGC 4.106.4.

46. Water conserving plumbing fixtures. Plumbing fixtures (water closets and urinals) shall comply with the following:

    a) The effective flush volume of all water closets shall not exceed 1.28 gal/flush (CGC 403.1.1).

    b) The effective flush volume of wall-mounted urinals shall not exceed 0.125 gal/flush. The effective flush volume for all other urinals shall not exceed 0.5 gal/flush (CGC 403.1.2).

47. Operation and maintenance manual. An operation and maintenance manual will be provided to the building occupant or owner per CGC 4.410.1.

48. Duct and mechanical systems protection. At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all duct and other related air distribution components openings shall be covered with tape, plastic,

sheet metals, or other methods acceptable to the enforcing agency to reduce the amount of water, dust or debris, which may enter the system per CGC 4.504.1.

49. Concrete slab foundations. A capillary break shall be installed if a slab on grade foundation system is used. The use of a 4" thick base of ½" or larger clean aggregate under a 6 mil vapor retarder with joint lapped not less than 6" will be provided per CGC 4.505.2 and CRC R506.2.3.

50. The roof plan must indicate that it is Solar ready.

51. The manufacturing products and all raw materials must be shown to meet Building Code requirements for use and storage in quantities that meet Table 307.1(1) of the Building Code.

52. All Occupancies must be shown on the plan to verify Fire resistive construction, rated walls, corridors, etc.

53. The mechanical plans must show exhaust fans for all areas of hazardous fumes.

54. The plans must clearly show Hazardous materials that will be used.

55. Plumbing plans must show the correct disposal of manufacturing waste.

56. Electrical plans must show compliance with all equipment to be listed by a Nationally Recognized Testing Agency or have third party review and approval.

57. The developer must show compliance with the 2022 CBC for Disabled Access including: a) Parking; b) Access to building; c) Exiting; d) Bathroom facilities; e) Changes in elevation

58. The developer shall monitor, supervise and control all building construction and supportive activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence with the following:

a) Section 6.25. – Construction hour limitations. It shall be unlawful to operate equipment or perform any construction in the erection, demolition, alteration, or repair of any Building or structure or the grading or excavation of land during the following hours:

- Before 7:00 a.m. and after 7:00 p.m. Monday through Saturday
- All day Sunday; and
- On any federal holiday.

Exceptions:

- An owner/occupant or resident/tenant of residential property may engage in a home improvement project between the hours of 9:00 a.m. and 5:00 p.m. on Sundays and holidays provided the project is for the benefit of said residential property and is personally carried out said owner/occupant or resident/tenant.
- The Building official may authorize extended or alternate hours of construction for the following circumstances:
  i. Emergency work
  ii. Adverse weather conditions
  iii. Compatibility with store Business hours
  iv. When the work is less objectionable at night than during daylight hours
  v. Per the direction of the City Manager's office for projects that have been determined that rapid completion is in the best interest of the general public (Ord. No. 19-OR0757-1, 1, 12-18-2019; Ord. No. 22-OR0685-1, 1, 10-5-2022)

Fire:

59. **EMERGENCY RESPONSE MAPS - Geo- Referenced Preplans:** Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates. Provide geo-referenced building plan in CAD (.dwg) format using the following coordinate system: NAD_1983_StatePlan_California_VI_FIPS_0406_Feet. Data deliverables (CAD and GIS) shall specifically include a site plan, building plan, all Utility shut-offs, fire sprinkler risers and shut-off valves, the fire department connection for sprinkler and class-I standpipe, all standpipe hose outlets, all stairwells, retail spaces, living units -numbers /locations, fire alarm panels, elevators, fire hydrants and all Knox boxes and key switch locations.

60. New structure shall be tested for Emergency responder radio coverage in accordance with Section 510 of the California Fire Code.

61. The applicant shall provide and maintain 100-foot -fire/fuel breaks to the satisfaction of the Oceanside Fire Department and Government Code 51182.

62. FIRE RESISTIVE CONSTRUCTION: Structure is required to be designed using state fire marshal standards for fire resistive construction features per 2022 CBC, Chapter 7A and/or CRC R337.

63. A fire protection plan which identifies ways to minimize and mitigate potential for loss from wildfire exposure shall be submitted and reviewed by the Oceanside Fire Department. Information regarding evacuation plan can be submitted within a CEQA document.

64. Deferred Submittals:

- Automatic Fire Sprinkler, CFC & NFPA 13
- -Class-I Wet Standpipe, CFC & NFPA 14
- -Fire Alarm System, CFC & NFPA 72
- -Emergency Responder Radio Coverage, CFC Section 510
- -Private Underground Fire Mains per CFC & NFPA 24

65. Fire apparatus access roads shall have an unobstructed improved width of not less than 28 or 35 feet (Based on location); curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Access roads shall be all weather surface and designed to support imposed loads of not less than 78,000 pounds. Secondary access is required and be designed per Oceanside Fire standards.

66. Install multifamily, commercial-style fire hydrant. Minimum GPM shall be per CFC Appendix B. Industrial fire hydrants shall have One 4-inch port and Two 2.5-inch ports. Installation shall be as per Oceanside Water Department specifications. Maximum spacing from one hydrant to another cannot exceed 400 feet from another. Maximum distance from a fire hydrant to any fire department connection cannot exceed 40 feet.

67. Knox Key Boxes shall be provided. A master key for entry to all gates, enclosures and equipment rooms or areas is required. Knox box shall be mounted in area approved by fire dept. at height of 60 to 66 inches above grade. Knox box shall be 4400 series, minimum of four will be required.

68. Gates or other devices that may obstruct fire access roadways shall be provided with Knox Key switch with cover and all drive gates shall be equipped with approved

emergency traffic strobe sensor(s), which opens the gate on approach of emergency vehicles. Gates shall have battery back-up or manual means of disconnect in case of power failure.

69. Provide exit plan showing travel distance and occupant load to each exit, include in plan occupant load for each room.

70. A lighted directory map, meeting current fire department standards, shall be installed at each driveway entrance

71. *Note: This list is not meant to be complete. Additional fire and building code requirements may apply based on formal plan submittal, intended use of building and occupancy classification.*

Engineering:

72. For the demolition of any existing structure or surface improvements; grading plans shall be submitted and erosion control plans be approved by the City Engineer prior to the issuance of a demolition permit. No demolition shall be permitted without an approved erosion control plan.

73. Design and construction of all improvements shall be in accordance with the City of Oceanside's Engineers Design and Processing Manual, City Ordinances, standard engineering, and specifications of the City of Oceanside, and subject to approval by the City Engineer.

74. All right-of-way alignments, street dedications, exact geometrics, and widths shall be designed, dedicated, and constructed or replaced in accordance with the City of Oceanside Engineers Design and Processing Manual, and as required by the City Engineer.

75. The owner/developer shall provide an updated Title Report dated within 6 months of the grading plan application submittal.

76. The approval of the development plan/project shall not mean that closure, vacation, or abandonment of any public street, right of way, easement, or facility is granted or guaranteed to the owner/developer. The owner/developer is responsible for applying for all closures, vacations, and abandonments as necessary. The application(s) shall be

reviewed and approved or rejected by the City of Oceanside under separate process (es) per codes, ordinances, and policies in effect at the time of the application. The City of Oceanside retains its full legislative discretion to consider any application to vacate a public street or right of way.

77. The owner/developer shall submit to the City for processing a covenant attesting to the project's development conditions. The approved covenant shall be recorded at the County prior to the issuance of a grading permit.

78. All public improvement requirements shall be covered by a Development Improvement Agreement and secured with sufficient improvement securities or bonds guaranteeing performance and payment for labor and materials, setting of survey monuments, and warranties against defective materials and workmanship before the approval of the public improvement plans.

79. Prior to the issuance of a grading permit, a Lot Merger application (as defined by the Subdivision Map Act), along with a Certificate of Compliance application, shall be processed and filed with the City of Oceanside. The Lot Merger shall not be in effect until all required documents are recorded at the County, which includes a Notice of Lot Merger, Certificate of Compliance, and Grant Deeds.

80. Prior to the issuance of any building permits, all improvements including landscaping, landscaped medians, and frontage improvements shall be under construction to the satisfaction of the City Engineer.

81. Prior to the issuance of a Certificate of Occupancy permit, all improvements, including landscaping, landscaped medians, and frontage improvements shall be completed to the satisfaction of the City Engineer.

82. The owner/developer shall process a separate Right-of-Way dedication application to provide a ROW dedication along the Alex Road cul-de-sac and 10-foot on Benet Road. All ROW dedications are to be in fee, and the application shall be approved prior to the issuance of a grading permit.

83. A traffic control plan shall be prepared in accordance with the City's traffic control guidelines and approved by the City Engineer prior to the start of work within the public

Right-of-Way. Traffic control safety and implementation for construction or re-construction of streets shall be in accordance with construction signing, marking, and other protection as required by Caltrans' Traffic Manual and City Traffic Control Guidelines. Traffic control plan implementation and hours shall be in accordance with the approved traffic control plans.

84. Vehicular access rights to Benet Rd shall be relinquished to the City from all abutting lots except at the proposed driveway(s). Process an access relinquishment application with the City prior to the issuance of a grading permit, and record the approved document prior to grading plan as-built acceptance.

85. An Encroachment Removal Agreement (ERA) application shall be submitted to the City for the proposed 18-inch private storm drain located within the City's ROW within Benet Road. The ERA shall be submitted for review prior to the issuance of a grading permit and recorded at the County prior to the improvement plan as-built acceptance.

86. Benet Road shall be constructed with new sidewalk. Sidewalk improvements (construct/replace) shall comply with current ADA requirements.

87. Alex Road shall be constructed with new curb, gutter and sidewalk. Sidewalk improvements (construct/replace) shall comply with current ADA requirements.

88. An ADA-compliant pedestrian ramp shall be constructed at the cul-de-sac of Alex Road, the Eddie Jones Way and Benet Road intersection, and other locations as required by the City Engineer.

89. If hydraulically feasible, the existing storm drain headwall, found in the northwestern portion of the project site, shall be integrated into the proposed on-site storm drain system. The existing 24-inch concrete pipe (Per Improvement Plan R-9919) shall be removed up to the storm drain cleanout located south of Eddie Jones Way.

90. Publicly-maintained pedestrian ramps (maintained by the City of Oceanside) must be located entirely within the public right-of-way (ROW). Pedestrian ramps not located entirely within the City's ROW shall be provided with a ROW dedication through a separate ROW dedication application and shown on the improvement plans and grading

plans. The ROW dedication shall be submitted prior to the approval of the grading plans and recorded prior to the grading plan as-built acceptance.

91. Minimum curb return radius at pedestrian ramp and driveway locations shall comply with the City of Oceanside Engineers Design and Processing Manual.

92. Benet Road and Alex Road shall be provided with a 10-foot minimum parkway between the face of the curb and the Right-of-Way line, and the design shall be displayed on the improvement plans.

93. Sight distance requirements at the project driveway(s) or street shall conform to the sight distance criteria as provided by Caltrans. The owner/developer shall provide a plan and profile of the line of sight for each direction of traffic at each proposed driveway on the grading plans.

94. Maintenance responsibilities for private driveways, parking lots, and roadways are the responsibility of the property owner.

95. A pavement evaluation report shall be submitted for the proposed onsite pavement with the grading plan application. Pavement sections for all public and private roadways, driveways, and parking areas shall be based upon approved soil test requirements and traffic indices identified within the City of Oceanside Engineers Design and Processing Manual. The pavement design is to be prepared by the owner/developer's geotechnical engineering firm and be approved by the City Engineer prior to the issuance of a grading permit. Roadway alignments and geometric layouts shall be in conformance with the City of Oceanside Engineers Design and Processing Manual.

96. A pavement evaluation report shall be submitted for offsite street pavements with the grading plan application. The owner/developer shall contract with a geotechnical engineering firm to perform a field investigation of the existing pavement on all streets adjacent to the project boundary. The limits of the study shall be half-street width along the project's Benet Road and Alex Road cul-de-sac frontage. The field investigation shall be performed according to a specific boring plan prepared by a licensed Geotechnical Engineer and approved by the City Engineer prior to the issuance of a grading permit. In the absence of an approved boring plan, the field investigation shall

include a minimum of one pavement boring per every one hundred (100) linear feet of street frontage.

Should the study conclude that the existing road pavement does not meet current pavement thickness requirements set forth in the City of Oceanside Engineers Design and Processing Manual, the Owner/developer shall remove and reconstruct the existing pavement section in accordance with City requirements. Otherwise, the City Engineer shall determine whether the Owner/developer shall: 1) Repair all failed pavement sections, 2) header cut and grind per the direction of the City Engineer, or 3) Perform R-value testing and submit a study that determines if the existing pavement meets current City standards/traffic indices.

97. Proposed public improvements located within the City's ROW or onsite shall be displayed on separate public improvement plans in accordance with the City's Engineers Design and Processing Manual.

98. Any existing public or private improvements that are being joined to and that are already damaged or damaged during the construction of the project, shall be repaired or replaced as necessary by the developer to provide a competent and stable connection, and to the City's satisfaction.

99. A precise grading plan, which includes proposed onsite private improvements, shall be prepared, reviewed, secured, and approved prior to the issuance of any building permit. The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of all structures, walls, drainage devices, and utility services. Parking lot striping and any on-site traffic calming devices shall be shown on the precise grading plans.

100. The project shall provide and maintain year-round erosion control for the site. Prior to the issuance of a grading permit, an approved erosion control plan, designed for all proposed stages of construction, shall be secured by the owner/developer with cash securities or a Letter-of-Credit and approved by the City Engineer; a Certificate of Deposit will not be accepted for this security.

101. The owner/developer shall develop and submit a draft neighborhood-notification flier to the City for review. The flier shall contain information on the project, construction schedule, notification of anticipated construction noise and traffic, and contact information. Prior to the issuance of a grading permit, the approved flier shall be distributed to area residents, property owners, and business owners located within a 500-foot radius area of the project.

102. The owner/developer shall monitor, supervise, and control all construction and construction-supportive activities, to prevent these activities from causing a public nuisance, including but not limited to, ensuring strict adherence to the following:

a) Dirt, debris, and other construction material shall not be deposited on any public street or into the City's storm water conveyance system.

b) All grading and related site preparation and construction activities shall be limited to the hours of 7 AM to 6 PM, Monday through Friday. No engineering-related construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written permission is granted by the City Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be located as far as possible (minimum 100 feet) from any existing residential development. As construction noise may still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity."

c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site. An alternate parking site can be considered by the City Engineer in the event that the lot size is too small and cannot accommodate parking of all motor vehicles.

d) The owner/developer shall complete a haul route permit application (if required for import/export of dirt) and submit it to the City of Oceanside Transportation Engineering Section forty-eight hours (48) in advance of the beginning of work. Hours of hauling operations shall be dictated by the approved haul route permit.

103. It is the responsibility of the owner/developer to evaluate and determine that all soil imported as part of this development is free of hazardous and/or contaminated material as defined by the City and the County of San Diego Department of Environmental Health. Exported or imported soils shall be properly screened, tested, and documented regarding hazardous contamination.

104. The approval of the development plan shall not mean that proposed grading or improvements on adjacent properties (including any City properties/right-of-way or easements) is granted or guaranteed to the owner/developer. The owner/developer is responsible for obtaining written permission to grade or construct adjacent properties prior to the issuance of a grading permit. Should such permission be denied, the development plan shall be subject to going back to the public hearing or subject to a substantial conformity review.

105. Prior to the issuance of a grading permit, a comprehensive soil and geologic investigation shall be conducted for the project site. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity; and these measures shall be incorporated as part of the grading plan design. No grading shall occur at the site without a grading permit.

106. Where proposed off-site improvements, including but not limited to slopes, public utility facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his own expense, obtain all necessary easements or other interests in real property and shall dedicate the same to the City of Oceanside as required. Owner/developer shall provide documentary proof satisfactory to the City of Oceanside that such easements or other interest in real property have been obtained prior to the issuance of any grading, building, or improvement permit for this development/project. Additionally, the City of Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the owner/ developer, as applicable.

107. Use of adjacent properties for construction without permission is prohibited. Developer is required to obtain written permission from adjacent property owners allowing access onto their site. There shall be no trespassing, grading, or construction of any kind on adjacent properties without permission. "Failure to comply will result in the revocation of the grading permit." This written permission shall be provided to the City prior to the issuance of a grading permit.

108. Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer prior to the issuance of a grading permit and approved by the City Engineer prior to the issuance of building permits. Landscaping plans, including plans for the construction of walls, fences, or other structures at or near intersections, must conform to intersection sight distance requirements. Frontage and median landscaping shall be installed and established prior to the issuance of any certificates of occupancy. Securities shall be required only for landscape items in the public right-of-way. Any project fences, sound or privacy walls, and monument entry walls/signs shall be shown on, bonded for, and built from the approved landscape plans. These features shall also be shown on the precise grading plans for purposes of location only. Plantable, segmental walls shall be designed, reviewed, and constructed from grading plans and landscape/irrigation design/construction shall be from landscape plans. All plans must be approved by the City Engineer and a pre-construction meeting held prior to the start of any improvements.

109. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high barrier, approved by the City Engineer, shall be provided at the top of all slopes whose height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to any streets, an arterial street or state highway.

110. The drainage design shown on the conceptual grading/site plan, and the drainage report for this development plan is conceptual only. The final drainage report and design shall be based upon a hydrologic/hydraulic study that is in accordance with the latest San Diego County Hydrology and Drainage Manual and is to be approved by the City Engineer prior to the issuance of a grading permit. All drainage picked up in an

underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer.

111. The project's drainage system shall not connect or discharge to another private storm drain system without first obtaining written permission from the owner of the system. The written permission letter shall be provided to the City prior to the issuance of a grading permit. The owner/developer shall be responsible for obtaining any off-site easements for storm drainage facilities.

112. All public storm drains shall be shown on separate public improvement plans. Public storm drain easements shall be dedicated to the City where required.

113. Drainage facilities shall be designed and installed to adequately accommodate the local storm water runoff, and shall be in accordance with the San Diego County Hydrology Manual and the City of Oceanside Engineers Design and Processing Manual, and to the satisfaction of the City Engineer.

114. The owner/developer shall place a covenant on the non-title sheet of the grading plan agreeing to the following: "The present or future owner/developer shall indemnify and save the City of Oceanside, its officers, agents, and employees harmless from any and all liabilities, claims arising from any flooding that may occur on this site, and any flooding that is caused by this site impacting adjacent properties".

115. Storm drain facilities shall be designed and constructed to allow inside travel lanes of streets classified as a Collector or above, to be passable during a 100-year storm event.

116. Sediment, silt, grease, trash, debris, and pollutants shall be collected on-site and disposed of in accordance with all state and federal requirements, prior to discharging stormwater into the City drainage system.

117. Elevation adjustments and floodproofing shall be in accordance with City of Oceanside Floodplain Management Regulations and Federal Emergency Management Agency (FEMA) and National Flood Insurance Program (NFIP) requirements.

118. The owner/developer shall submit a finished construction elevation certificate on current FEMA forms for each structure proposed in the development project. The finished construction elevation certificate(s) shall be completed with surveyed information for

post construction and shall be submitted to the Engineering Division for review and acceptance prior to Occupancy or Final Building Inspection.

For non-residential structures that are floodproofed, a floodproofing design certificate by a California licensed civil engineer shall be submitted for review along with the finished construction elevation certificate.

119. The project shall demonstrate compliance with all National Flood Insurance Program (NFIP) regulations and City of Oceanside Floodplain Management Regulations and obtain all relevant approvals from the Federal Emergency Management Agency (FEMA), which may include but is not limited to Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR).

The owner/developer shall submit an application for a Letter of Map Change (LOMC) review with the City prior to, or concurrently with, the first submittal of any grading, erosion, improvement, or building plan.

Should a CLOMR/LOMR be determined to be required by FEMA, the owner/developer shall provide evidence to the City of Oceanside that a CLOMR has been obtained from FEMA for the proposed revisions to the flood hazard areas prior to issuance of any permit. After the grading activities or completion of flood-based improvements, the owner/developer shall submit an application with FEMA and the City for a LOMR, along with as-built plans, and any other documents required by FEMA to process and receive the LOMR. Prior to the release of the grading bonds, the owner/developer shall provide a copy of the FEMA-approved LOMR to the City of Oceanside.

Should approvals other than a CLOMR/LOMR be determined to be required by FEMA, the owner/developer shall provide evidence of FEMA's conceptual approval of the project and proposed encroachments prior to issuance of any permit as well as FEMA's final approval after completion of the flood based improvements. Or, should no approvals be required by FEMA, the owner/developer shall provide evidence to the City prior to issuance of any permit that no such approval is required.

120. Development in any floodway is prohibited unless a California licensed civil engineer prepares certification that encroachments shall not result in any increase in the base

flood elevation during the occurrence of the base flood discharge. A "No-Rise" hydraulic analysis and certification shall be provided for any encroachments located in the floodway. The analysis and certification must indicate that the base flood elevation does not increase at all (greater than 0.00 feet) due to the encroachments.

121. The owner/developer shall comply with the provisions of the National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) Water Quality Order 2009-0009-DWQ. The General Permit continues in force and effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those owners/developers authorized to discharge under the expiring General Permit are covered by the continued General Permit. Construction activity subject to the General Permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation that results in land disturbances of equal to or greater than one acre.

The owner/developer shall obtain coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining a Waste Discharge Identification Number (WDID#) from the State Water Resources Control Board (SWRCB). In addition, coverage under the General Permit shall not occur until an adequate SWPPP is developed for the project as outlined in Section A of the General Permit. The site specific SWPPP shall be maintained on the project site at all times. The SWPPP shall be provided, upon request, to the United States Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control Board (RWQCB), City of Oceanside, and other applicable governing regulatory agencies. The SWPPP is considered a report that shall be available to the public by the RWQCB under section 308(b) of the Clean Water Act. The provisions of the General Permit and the site specific SWPPP shall be continuously implemented and enforced until the owner/developer obtains a Notice of Termination (NOT) for the SWRCB.

Owner/developer is required to retain records of all monitoring information, copies of all reports required by this General Permit, and records of all data used to complete the NOT for all construction activities to be covered by the General Permit for a period of at

least three years from the date generated. This period may be extended by request of the SWRCB and/or RWQCB.

122. The project is categorized as a stormwater-Priority Development Project (PDP). A final Storm Water Quality Management Plan (SWQMP) and Operation & Maintenance (O&M) Plan shall be submitted to the City for review at the final engineering phase. Both documents are to be approved prior to the issuance of a grading permit.

123. The O&M Plan shall include an approved and executed Maintenance Mechanism pursuant to the City of Oceanside BMP Design Manual (BDM). At a minimum, the O&M Plan shall include the designated responsible party to manage the stormwater BMP(s), employee training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, cost estimate for implementation of the O&M Plan, non-refundable cash security to provide maintenance funding in the event of non-compliance to the O&M Plan, and any other necessary elements. The owner/developer shall complete and maintain O&M forms to document all operation, inspection, and maintenance activities. The owner/developer shall retain records for a minimum of 10 years. The records shall be made available to the City upon request.

124. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance Agreement (SWFMA) with the City, obliging the owner/developer to maintain, repair, and replace the Storm Water Best Management Practices (BMPs) structures identified in the project's approved SWQMP, as detailed in the O&M Plan, in perpetuity. Furthermore, the SWFMA will allow the City with access to the site for the purpose of BMP inspection and maintenance, if necessary. The Agreement shall be approved by the City Attorney's Office and recorded at the County Recorder's Office prior to the issuance of a precise grading permit. A non-refundable **Security in the form of cash** shall be required prior to the issuance of a precise grading permit. The amount of the non-refundable security shall be equal to 10 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of $25,000. The owner/developer's civil engineer shall prepare the O&M cost estimate.

125. The BMPs described in the project's approved SWQMP shall not be altered in any way unless reviewed and approved by the City Engineer. The determination of whatever action is required for changes to a project's approved SWQMP shall be made by the City Engineer.

126. Prior to receiving a temporary or permanent occupancy permit, the project shall demonstrate that all structural BMPs, including Storm Water Pollutant Control BMPs and Hydromodification Management BMPs, are constructed and fully operational, are consistent with the approved SWQMP and the approved Precise Grading Plan, and are in accordance with San Diego RWQCB Order No. R9-2013-0001 §E.3.e. (1)(d).

127. All new extension services for the development of the project, including but not limited to, electrical, cable, and telephone, shall be placed underground as required by the City Engineer and current City policies.

128. Prior to the approval of plans and the issuance of a grading permit, the owner/developer shall obtain all necessary permits and clearances from public agencies having jurisdiction over the project due to its type, size, location, or infrastructure impact. The list of public agencies includes, but is not limited to, Public Utility Companies, the California Department of Transportation (Caltrans), the City of Carlsbad, the City of Vista, Fallbrook, the County of San Diego, the U. S. Army Corps of Engineers, the California Department of Fish & Game, the U. S. Fish and Wildlife Service, the San Diego Regional Water Quality Control Board, and the San Diego County Health Department.

129. The owner/developer shall comply with all the provisions of the City's cable television ordinances, including those relating to notification as required by the City Engineer.

130. As part of the City's Opportunistic Beach Fill Permit, this project has been conditioned to test proposed excavated material to determine suitability for deposit on city beaches as part of the Beach Sand Replenishment program. Test results shall be provided as part of the project geotechnical report which is required prior to approval of the grading plan and issuance of the grading permit.

Suitable beach replenishment material shall be at least 75% sand with no more than a 10% difference in sand content between material at the source and discharge site. Replenishment material shall contain only clean construction materials suitable for use in the oceanic environment; no debris, silt, soil, sawdust, rubbish, cement or concrete washings, oil or petroleum products hazardous/toxic/radioactive/munitions from construction or dredging or disposal shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States. Any and all excess or unacceptable material shall be completely removed from the site/work area and disposed of in an appropriate upland site.

If the soil to be exported is determined to be suitable beach replenishment material, the developer's contractor will coordinate with the City's Public Works Department to determine the location for acceptance of the excavated material for spreading by Public Works staff. **Coordination is required to occur a minimum of two weeks in advance** of the need to place approved excavated material on the beach.

131. If shoring is required for the construction of the proposed development, the shoring design plans shall be included within the grading plan set, and the structural design calculations shall be submitted with the grading plan application.

132. This property is located in the vicinity of an airport, within what is known as an airport influence area. As a result, the property may be exposed to some of the common annoyances or inconveniences associated with airport operations (for example: noise, vibration, or odors). An Airport Overflight Notification or Aviation Easement shall be recorded per the Oceanside Municipal Airport Land Use Compatibility Plan and a copy of either document shall be provided to the City prior to issuance of a grading permit.

133. Approval of this development project is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in Chapter 32B of the Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements, drainage impact fees, and other applicable charges, fees, and deposits shall be paid prior to the issuance of any building permits, in accordance with City Ordinances and policies. The owner/developer shall also be

required to join in, contribute, or participate in any improvement, lighting, or other special district affecting or affected by this project.

134. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project will be subject to prevailing wage requirements as specified by Labor Code section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging the prevailing wage requirements prior to the granting of any fee reductions or waivers.

135. If there are discrepancies in information between the conceptual plan and the conditions outlined in the project's entitlement resolution (Conditions of Approval), the project's entitlement resolution shall prevail.

Landscaping:

136. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape Development (latest revision), Water Conservation Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and ordinances, including the maintenance of such landscaping shall be submitted, reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. In addition, a refundable cash deposit for the preparation of the final As-built/ Maintenance Guarantee shall be secured with the City prior to the final approval of the landscape construction plan. A landscape pre-construction meeting shall be conducted by the landscape architect of record, Public Works Inspector, developer or owner's representative and landscape contractor prior to commencement of the landscape and irrigation installation.

The following landscaping items shall be required prior to plan approval and certificate of occupancy:

137. Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.

138. Landscape Architect shall be aware of all utility, sewer, water, gas and storm drain lines and utility easements and place planting locations accordingly to meet City of Oceanside requirements.

139. Final landscape plans shall be prepared under the direct supervision of a Registered Landscape Architect (State of California), with all drawings bearing their professional stamp and signature.

140. All required landscape areas both public and private (including trees and palms in the public rights-of-way) shall be maintained by owner, project association or successor of the project (including public rights-of-way along Benet Drive and Alex Road). The landscape areas shall be maintained per City of Oceanside requirements.

141. The As-built/ Maintenance Guarantee (refundable cash deposit) shall not be released until the as-built drawings have been approved on the original approved Mylar landscape plan and the required maintenance period has been successfully terminated.

142. Proposed landscape species shall fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition, proposed landscape species shall be low water users as well as meet all fire department requirements.

143. All planting areas shall be prepared and implemented to the required depth with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.

144. Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.

145. The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.

146. Root barriers shall be installed adjacent to all paving surfaces where a paving surface is located within 6 feet of a tree trunk on site (private) and within 10 feet of a tree trunk in the right-of-way (public). Root barriers shall extend 5 feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.

147. All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain Planning Division approval for these items in the conditions or application stage prior to 1st submittal of working drawings.

148. For the planting and placement of trees and their distances from hardscape and other utilities/ structures the landscape plans shall follow the City of Oceanside's (current) Tree Planting Distances and Spacing Standards.

149. An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low volume equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off.

150. Irrigation systems shall use high quality, automatic control valves, controllers and other necessary irrigation equipment. All components shall be of non-corrosive material. All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters.

151. All irrigation improvements shall follow the City of Oceanside Guidelines and Water Conservation Ordinance.

152. The landscape plans shall match all plans affiliated with the project.

153. Landscape construction drawings are required to implement approved Fire Department regulations, codes, and standards at the time of plan approval.

154. Landscape plans shall comply with Biological and/or Geotechnical reports, as required, shall match the grading and improvement plans, comply with Storm Water Management Plan (SWMP), Hydromodification Plan, or Best Management Practices and meet the satisfaction of the City Engineer.

155. Existing landscaping on and adjacent to the site shall be protected in place and Supplemented or replaced to meet the satisfaction of the City Engineer.

156. All pedestrian paving (both decorative and standard) shall comply with the most current edition of the American Disability Act.

157. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and within any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance

program shall include: a) normal care and irrigation of the landscaping b) repair and replacement of plant materials (including interior trees and street trees) c) irrigation systems as necessary d) general cleanup of the landscaped and open areas e) maintenance of parking lots, walkways, enhanced hardscape, trash enclosures, walls, fences, etc. f) pruning standards for street trees shall comply with the International Society of Arboriculture (ISA) *Standard Practices for Tree Care Operations – ANSI A300, Appendix G: Safety Standards, ANSI Z133; Appendix H; and Tree Pruning Guidelines, Appendix F* (most current edition). Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.

158. In the event that the conceptual landscape plan (CLP) does not match the conditions of approval, the resolution of approval shall govern.

Solid Waste:

159. The plans demonstrate enclosures at each end of the buildings, with space for all three streams of service (landfill, recycling and organics). Each bin shall be labeled for landfill, recycling, and organics.

160. The City of Oceanside reserves the right to review program and services levels and request increases if deemed necessary. The City of Oceanside Municipal Code Chapter 13 requires that Oceanside residents, businesses and multifamily projects are to separate all recyclable material from other solid waste. Additionally, the State of California regulations requires all California businesses participate in Mandatory Recycling (AB 341) and Mandatory Commercial Organics Recycling (AB 1826 & SB 1383) as outlined in the Oceanside Solid Waste code.

Water Utilities:

161. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.

162. All Water and Wastewater construction shall conform to the most recent edition of the *Water, Sewer, and Recycled Water Design and Construction Manual* or as approved by the Water Utilities Director.

163. The property owner shall maintain private water and wastewater utilities located on private property.

164. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by an approved and licensed contractor at developer's expense.

165. The building may be served by a commercial master meter, but each tenant space shall be equipped with a separate water sub-meter.

166. Provide a separate irrigation water meter for the development. An address assignment will need to be completed for the meter, and can be processed through the City Planning Department.

167. Buildings requiring an NFPA 13 automatic sprinkler system for fire protection shall have a dedicated fire service connection to a public water main with a double check detector backflow assembly. Location of the backflow assembly must be approved by Fire Department.

168. Any proposed private onsite fire hydrants shall be served by a private fire main that is looped onsite with two connections to an existing public water main. Each connection shall have a double check detector assembly for backflow protection. Size-on-size hot taps are not acceptable and cut-in tees shall have gate valves on all three ends.

169. The onsite sewer collection system shall be private, and an inspection manhole, as described by the *Water, Sewer, and Recycled Water Design and Construction Manual*, shall be constructed behind the property line prior to connection to the public sewer system.

The following conditions shall be met prior to the approval of engineering design plans.

170. Any water and/or sewer improvements required to develop the proposed property will need to be included in the improvement plans and designed in accordance with the *Water, Sewer, and Recycled Water Design and Construction Manual.*

171. All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the *Water, Sewer, and Recycled Water Design and Construction Manual.* Easements shall be constructed for all weather access.

172. No trees, structures or building overhang shall be located within any water or wastewater utility easement.

173. Per City of Oceanside Ordinance No. 14-OR0565-1, the developer shall pay a recycled water impact fee since the proposed project is not within 75 feet of a recycled water main. The impact fee shall be established by submitting a formal letter requesting the City to determine this fee, which is based on 75% of the design and construction cost to construct a recycled water line fronting the property in Benet Road.

174. An inspection manhole for commercial waste as described by the *Water, Sewer, and Recycled Water Design and Construction Manual*, shall be on each building sewer lateral immediately behind the property line and the location shall be called out on the approved engineering plans.

175. For the private sewer lift station; provide calculations outlining capacity of the pumps, dwelling units served, capacity of the wet well, detention times, length and size of the force main, and provision of any odor control equipment shall be submitted for review to the Water Utilities Department. It shall be the responsibility of the design engineer to ensure that lift station is adequately sized, has sufficient redundant measures (dual pumps that will each handle estimated peak sewer flows, back-up power supply, emergency by-pass connection for portable pump, alarm systems, high water alarms, etc.), and complies with all applicable local, state, and federal regulations.

176. A Grease Interceptor, as required per City of Oceanside Ordinance 07-OR0021-1 & 18-OR0021-1 relating to food service establishments shall be included in the private collection system, when deemed necessary, in an appropriate outside location and shall be maintained by the property owner. The grease interceptor shall be shown on Engineering Plans with reference to Building Plans for design and detail.

177. An Oil and Sand Interceptor, as described by the latest adopted California Plumbing Code Chapter 10, relating to garages, gasoline stations, wash racks or when deemed necessary shall be shown on building plans at each building sewer in an appropriate location and shall be maintained in accordance with the Fats, Oil, and Grease permit. The location shall be shown on the approved Engineering Plans with reference to Building Plans for design and detail.

178. Connections to a public sewer main with a 6-inch or larger sewer lateral will require a new sewer manhole for connection to main per Section 3.3 of *Water, Sewer, and Recycled Water Design and Construction Manual.*

179. Connection to an existing sewer manhole will require rehabilitation of the manhole per City standards. Rehabilitation may include, but not be limited to, re-channeling of the manhole base, surface preparation and coating the interior of the manhole, and replacing the manhole cone with a 36" opening and double ring manhole frame and lid.

180. A separate irrigation meter and connection with an approved backflow prevention device is required to serve landscaped areas and shall be displayed on the plans.

181. Provide peak irrigation flows per zone or control valve to verify size of irrigation meter and reduced pressure principle backflow device on Landscape Plans.

182. Provide stationing and offsets for existing and proposed water service connections and sewer laterals on plans.

183. Any water services or sewer laterals no in use by the proposed development or redevelopment shall be abandoned in accordance with Water Utilities requirements. Developer will be credited for any existing water meters that will be abandoned as part of this development. Credit can be applied toward the purchase of any new water meters, the amount of the current buy-in fee of the existing meter. Should the total credit exceed proposed fees for new meters, the Developer will not be reimbursed the credit monetarily.

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The following conditions of approval shall be met prior to building permit issuance.

184. Show location and size of proposed water meter(s) on site plan of building plans. Show waterline from proposed meter to connection point to building. Water service shall have a RP backflow assembly per City Standard Drawing W-12 or W-13.

185. Show location and size of proposed sewer lateral(s) from property line or connection to sewer main to connection point at building.

186. Provide a fixture unit count table and supply demand estimate per the latest adopted California Plumbing Code (Appendix A) to size the water meter(s) and service line(s).

187. Provide drainage fixture unit count per the latest adopted California Plumbing Code to size sewer lateral for property.

188. If a Sand and Oil Separator is required, then building plans must show drainage fixture unit count and calculations per the latest California Plumbing Code to size oil and sand separator and show on plans the location, make and model of separator, inlet/outlet piping, and a plumbing schematic of the separator along with the required appurtenances at each building sewer lateral.

189. If a Grease Interceptor is required per City of Oceanside Ordinance 07-OR0021-1, then building plans must show sizing calculations per the latest California Plumbing Code, the location, the make and model, and plumbing schematic showing the required appurtenances at each building sewer lateral.

190. Water and Wastewater buy-in fees and the San Diego County Water Authority Fees are to be paid to the City at the time of Building Permit issuance per City Code Section 32B.7.

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PASSED AND ADOPTED Resolution No. 2025-P04 on February 10, 2025, by the following vote, to wit:

AYES: Morrissey, Malik, Rosales, Balma, Dodds, Anthony, Ogden

NAYS:

ABSENT:

ABSTAIN:

Tom Morrissey, Chairperson
Oceanside Planning Commission

ATTEST:

Sergio Madera, Secretary

I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2025-P04.

Dated: February 10, 2025